

1 _____ moved to amend as follows:

2 Engross the bill as directed by the commands in the
3 amendments attached hereto, ignoring matter extraneous to those
4 commands

5 INDEX

6
7 The following amendments are attached hereto:
8

Amendment No.	Subject
SC_135_2478-2	Tobacco regulation
SC_135_2480	Juvenile detention
SC_135_2482	Department of Natural Resources
SC_135_2483-1	Regional career tech education districts
SC_135_2484	Department of Agriculture
SC_135_2486-2	Task Force on Bail
SC_135_2491	Department of Education and Workforce - Director's authority regarding employees

SC3432-1

Amendment No.	Subject
SC_135_2493-3	Advanced recycling
SC_135_2497-2	Treasurer of State rating agencies
SC_135_2498	Certified mental health assistants
SC_135_2499	Stratigraphic wells
SC_135_2501	Construction employer mentorship program
SC_135_2502-2	School funding calculations based on corrected data
SC_135_2503-1	OSU student trustees
SC_135_2505	Trustees for community colleges
SC_135_2510	Verification of income
SC_135_2511	Verification of income - Ed Choice
SC_135_2513	Income eligibility
SC_135_2514-3	Scholarship programs
SC_135_2516	Cleveland scholarship programs geographic boundaries

SC3432-1

Amendment No.	Subject
SC_135_2520-1	Joint Law Enforcement Training Center Study
SC_135_2521	Department of Education and Workforce and tax returns
SC_135_2523	Private scholarships in Ed Choice; tax credit
SC_135_2537-1	New African Immigrants Commission
SC_135_2538-2	Requirements for state institutions of higher education
SC_135_2548-1	Home health and personal care aide training
SC_135_2554-1	LSC Technical amendment
SC_135_2556	Prohibit Medicaid payment for family caregivers
SC_135_2561-1	Parkinsons Disease
SC_135_2565	Newborn screening - Duchenne muscular dystrophy
SC_135_2570	Administrative appeals; state involvement in legal actions
SC_135_2572	Department of Veterans Services
SC_135_2576	Retail tobacco store exemption

SC3432-1

Amendment No.	Subject
SC_135_2577	Department of Public Safety
SC_135_2578-3	ESC and transportation pilot
SC_135_2582	Department of Higher Education
SC_135_2586-1	Departments of Health and Mental Health and Addiction Services
SC_135_2588-2	Department of Children and Youth
SC_135_2608	Municipal income tax: exemptions for stock options and deferred compensation
SC_135_2613	Department of Mental Health and Addiction Services
SC_135_2616-2	RAPBACK and non-state licensed school employees
SC_135_2617-2	Transportation of students - safety parameters
SC_135_2619	Sponsors of underperforming schools
SC_135_2630	Jon Peterson scholarship
SC_135_2635	Lodging tax exemption and financing
SC_135_2636	Rideshare tax

SC3432-1

Amendment No.	Subject
SC_135_2638	Municipal or township excise lodging taxes
SC_135_2639-1	Value-added progress rating
SC_135_2642	Educator licensure grade bands flexibility
SC_135_2644	Auxiliary services
SC_135_2646-2	Before and after school child care
SC_135_2676	Department of Higher Education
SC_135_2682	Motion picture tax credit
SC_135_2690	Department of Higher Education
SC_135_2692	Registration of securities
SC_135_2696	Department of Natural Resources
SC_135_2702	Joint committee to examine the statewide protection and advocacy system
SC_135_2705-1	JFS audit
SC_135_2706-1	Medicaid audit

SC3432-1

Amendment No.	Subject
SC_135_2708	Hospitals licensure requirement
SC_135_2710-1	Certification of mental health and drug addiction services
SC_135_2712	Recovery housing
SC_135_2718	Medicaid Caseload and Expenditure Forecast report
SC_135_2719	Department of Health
SC_135_2720	Housing and dining facilities at community colleges, state community colleges
SC_135_2733-1	Attorney General
SC_135_2750	Property tax sales-assessment ratio studies
SC_135_2755	County boards of developmental disabilities remote meetings
SC_135_2757-2	Higher Education rules
SC_135_2778	County Agricultural Society use bond funding from bed tax
SC_135_2779-1	Cash requirement at school events
SC_135_2781	Department of Children and Youth rules

SC3432-1

Amendment No.	Subject
SC_135_2782-1	Remote work - state employees
SC_135_2784-1	Department of Mental Health and Addiction Services
SC_135_2789	County engineer qualifications
SC_135_2791-1	Documentary service charge
SC_135_2792-1	Infrastructure development rider
SC_135_2796	SERS contribution based benefit cap
SC_135_2800-1	Pass-through entity tax and resident credit
SC_135_2802-2	Institute of American Constitutional Thought and Leadership; Salmon P. Chase Center for Civics, Culture, and Society
SC_135_2807	Environmental Protection Agency policies
SC_135_2812	Board of Tax Appeals
SC_135_2813	Exchange of Medicaid recipient information
SC_135_2816-1	ADAMHS board joint county districts

SC3432-1

Amendment No.	Subject
SC_135_2818-1	Tax increment financing change
SC_135_2819-1	Parental consent for social media
SC_135_2820-1	Heating companies and commercial activities tax
SC_135_2821-1	Higher education institutions lease property
SC_135_2834-2	Fraud training and reporting
SC_135_2835	Regulatory restriction reductions - remove exemptions
SC_135_2836	College transcript withholding
SC_135_2837	Crisis nurseries
SC_135_2839-2	Public defender private legal representation
SC_135_2841-1	Department of Job and Family Services
SC_135_2842	Department of Development
SC_135_2846	Academic distress commissions - Lorain City schools
SC_135_2849-1	MyCare Ohio statewide

SC3432-1

Amendment No.	Subject
SC_135_2850	Department of Job and Family Services
SC_135_2853	Physician delegation to sonographers
SC_135_2858-3	On campus housing - freshman only requirement
SC_135_2865	Rocky Fork State Park
SC_135_2884	Department of Education and Workforce
SC_135_2885-1	Ohio History Connection
SC_135_2886	Direct care worker task force
SC_135_2887	Physician assistants and Schedule II controlled substances
SC_135_2893-2	All Ohio Future Fund and gas, water, and sewer uses
SC_135_2899	New community authorities and townships
SC_135_2907	Restriction of SNAP card replacement
SC_135_2908-2	SNAP EBT
SC_135_2910	SNAP categorical eligibility

SC3432-1

Amendment No.	Subject
SC_135_2911-1	Public assistance work requirements
SC_135_2913-3	Foreclosure provisions
SC_135_2915-1	Quality community school funding; establish community school equity payments
SC_135_2916	Natural gas company use of hydrogen and biologically derived methane gas
SC_135_2932	PACE project financing
SC_135_2933-2	Ohio-based personal protective equipment manufacturers procurement program
SC_135_2940	LSC corrective amendment
SC_135_2942	Department of Rehabilitation and Correction
SC_135_2950	Sale of spirituous liquor
SC_135_2952	Wildlife Council to approve annual rules
SC_135_2953	Home health screening
SC_135_2956-2	Cash payments at school-affiliated events

SC3432-1

Amendment No.	Subject
SC_135_2957-2	CAUV formula changes
SC_135_2963	Department of Job and Family Services
SC_135_2972-2	School counselor training program
SC_135_2976	Surgical smoke
SC_135_2984	Lower age for police officer appointment
SC_135_2993	Reinstatement of the crematory operator permit
SC_135_2994-1	Electric vehicle charging stations
SC_135_2996-1	Department of Natural Resources property acquisition
SC_135_2999-1	Department of Mental Health and Addiction Services
SC_135_3004-2	Departments of Development and Mental Health and Addiction Services
SC_135_3012-2	Broadband Expansion Grant Program
SC_135_3019-1	Department of Higher Education
SC_135_3032	Court electronic filings and computerization fees

SC3432-1

Amendment No.	Subject
SC_135_3033-1	Department of Mental Health and Addiction Services
SC_135_3050-2	Student transportation - noncompliance
SC_135_3051	Eligible internet- or computer-based community school
SC_135_3052	EdChoice Expansion scholarship
SC_135_3054	Tax incentive rental restrictions
SC_135_3057-2	Department of Development
SC_135_3072	Ohio's central registry on child abuse and neglect
SC_135_3073	Department of Higher Education
SC_135_3084-1	Commercial activities tax changes
SC_135_3085	Mine subsidence insurance coverage
SC_135_3087	Peer to peer car sharing
SC_135_3100	Brownfield Remediation and Building Demolition and Site Revitalization programs
SC_135_3103-3	Department of Development

SC3432-1

Amendment No.	Subject
SC_135_3107	Motion picture tax credit
SC_135_3123	Lockable and tamper-evident containers
SC_135_3126	CAUV changes
SC_135_3127	EdChoice scholarship - family income disclosure to chartered nonpublic school
SC_135_3131-1	Performance audits
SC_135_3133	DEW and State Board share information
SC_135_3140-1	Hospital transparency
SC_135_3153	Bureau of Motor Vehicles - provide photo for SNAP EBT cards
SC_135_3154-1	SNAP fraud photo EBT cards
SC_135_3155	Training for Medicaid presumptive eligibility error rate
SC_135_3158	Medicaid presumptive eligibility verification
SC_135_3160	Pre-screening SNAP applicants
SC_135_3162-1	OhioMeansJobs training dashboard

SC3432-1

Amendment No.	Subject
SC_135_3166	Broadcast Educational Media Commission
SC_135_3167-1	Department of Development
SC_135_3168	Department of Mental Health and Addiction Services
SC_135_3169	Departments of Higher Education and Development
SC_135_3173	EMS changes
SC_135_3177-2	Secretary of State
SC_135_3180	Department of Job and Family Services
SC_135_3201	Department of Higher Education
SC_135_3206-1	Department of Job and Family Services
SC_135_3207-1	Department of Higher Education
SC_135_3215-1	Sponsor evaluations
SC_135_3225	Sales tax holiday
SC_135_3226	Ohio Work Ready Grant Program

SC3432-1

Amendment No.	Subject
SC_135_3227	Department of Higher Education
SC_135_3229	Disposal of school district property
SC_135_3231	Community college programs - Fairfield County
SC_135_3235-1	State judgements, settlements, and awards
SC_135_3240	Child support to nonparent caregivers
SC_135_3243-3	Academic intervention services
SC_135_3245	Program for children and youth with special healthcare needs
SC_135_3251	Wineries and food processing
SC_135_3252	Department of Agriculture
SC_135_3254	Municipal income tax: net profit apportionment
SC_135_3255	Welcome Home Ohio Program tax certificates
SC_135_3256	Municipal income tax: inquiries, notices, and penalties
SC_135_3259	Incentive district tax increment financing

SC3432-1

Amendment No.	Subject
SC_135_3261-1	Income tax withholding rates
SC_135_3262-2	Sales tax holiday
SC_135_3264	Department of Higher Education
SC_135_3279	Department of Development
SC_135_3280	OHFA transfer - financial obligations
SC_135_3283-1	Department of Job and Family Services
SC_135_3284	Department of Development
SC_135_3286	Distressed area
SC_135_3288-2	Department of Public Safety
SC_135_3289	Department of Public Safety
SC_135_3291	Disclosure of information - unemployment compensation law
SC_135_3294	Dental/vision coverage for certain children
SC_135_3296-1	Competitive bidding thresholds and public improvement contracts

SC3432-1

Amendment No.	Subject
SC_135_3298-1	Department of Medicaid
SC_135_3299-1	Innovate the Code
SC_135_3301	Department of Education and Workforce
SC_135_3303	Department of Education and Workforce
SC_135_3306	Online high school
SC_135_3310-1	Intradistrict open enrollment
SC_135_3312	State Veterinary Medical Licensing Board
SC_135_3313	Non-chartered, non-public school tax credit
SC_135_3315-1	Departments of Development and Higher Education
SC_135_3322	Urgent care and medical facility
SC_135_3323-1	DEW - ESC and other changes
SC_135_3328	ICF bed conversion to OhioRISE
SC_135_3329-1	Department of Job and Family Services

SC3432-1

Amendment No.	Subject
SC_135_3337	Ohio Housing Finance Agency funding and abilities
SC_135_3340	Department of Higher Education
SC_135_3341	Department of Higher Education
SC_135_3348	JobsOhio extension
SC_135_3352	Park district renewal levy
SC_135_3353-1	Department of Higher Education
SC_135_3357	Welcome Home Ohio Program
SC_135_3366	Department of Transportation
SC_135_3369	Department of Development
SC_135_3370	Children's Trust Fund Board's acceptance of federal funds
SC_135_3373-1	Department of Job and Family Services
SC_135_3398	Statewide assessment of financial fraud
SC_135_3400	Department of Job and Family Services

SC3432-1

Amendment No.	Subject
SC_135_3403	Conciliation procedures when parents are unmarried
SC_135_3404	Board appointment deadline
SC_135_3405-2	Ohio College Opportunity Grant program
SC_135_3406	Ohio Commission for the United States Semiquincentennial
SC_135_3407	Secretary of State
SC_135_3408	State Employee Relations Board
SC_135_3410-1	Departments of Agriculture and Higher Education
SC_135_3411	MHAS certification exemption
SC_135_3413-1	Opioid settlement fund
SC_135_3415-1	Low-income housing and single-family housing tax credits; tax-favored savings account deduction
SC_135_3420	Department of Administrative Services
SC_135_3424	Department of Mental Health and Addiction Services
SC_135_3425-1	Income tax rate reduction

SC3432-1

Amendment No.	Subject
SC_135_3426	Department of Development
SC_135_3430-1	Canvass of election returns
SC_135_3433	FAFSA completion mandatory

9

Sub. H.B. 33
L-135-0001-5
DOHCD30, DOHCD32,
DOHCD33, LOCCD4, and
LOCCD8

_____ moved to amend as follows:

In line 55 of the title, after "2927.02," insert "2927.023," 1

In line 204 of the title, after "9.17," insert "9.681," 2

In line 666, after "2927.02," insert "2927.023," 3

In line 775, after "9.17," insert "9.681," 4

After line 811, insert: 5

"Sec. 9.681. (A) As used in this section, "tobacco product" and "alternative nicotine product" have the same meanings as in section 2927.02 of the Revised Code. 6
7
8

(B) The regulation of tobacco products and alternative nicotine products is a matter of general statewide concern that requires statewide regulation. The state has adopted a comprehensive plan with respect to all aspects of the giveaway, sale, purchase, distribution, manufacture, use, possession, licensing, taxation, inspection, and marketing of tobacco products and alternative nicotine products. No political subdivision may enact, adopt, renew, maintain, enforce, or continue in existence any charter provision, ordinance, resolution, rule, or other 9
10
11
12
13
14
15
16
17

measure that conflicts with or preempts any policy of the state 18
regarding the regulation of tobacco products or alternative 19
nicotine products, including, without limitation, by: 20

(1) Setting or imposing standards, requirements, taxes, fees, 21
assessments, or charges of any kind regarding tobacco products or 22
alternative nicotine products that are the same as or similar to, 23
that conflict with, that are different from, or that are in 24
addition to, any standard, requirement, tax, fee, assessment, or 25
other charge established or authorized by state law; 26

(2) Lowering or raising an age requirement provided for in 27
state law in connection with the giveaway, sale, purchase, 28
distribution, manufacture, use, possession, licensing, taxation, 29
inspection, and marketing of tobacco products or alternative 30
nicotine products; 31

(3) Prohibiting an employee eighteen years of age or older of 32
a manufacturer, producer, distributor, wholesaler, or retailer of 33
tobacco products or alternative nicotine products from selling 34
tobacco products or alternative nicotine products; 35

(4) Prohibiting an employee eighteen years of age or older of 36
a manufacturer, producer, distributor, wholesaler, or retailer of 37
tobacco products or alternative nicotine products from handling 38
tobacco products or alternative nicotine products in sealed 39
containers in connection with manufacturing, storage, warehousing, 40
placement, stocking, bagging, loading, or unloading. 41

(C) In addition to any other relief provided, the court shall 42
award costs and reasonable attorney fees to any person, group, or 43
entity that prevails in a challenge to an ordinance, resolution, 44
regulation, local law, or other action as being in conflict with 45
this section. 46

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

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

Delete lines 32076 through 32270 and insert:

"**Sec. 2927.02.** (A) As used in this section and sections 2927.021 ~~and 2927.022~~ to 2927.024 of the Revised Code:

(1) "Age verification" means a service provided by an independent third party (other than a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll

cigarettes) that compares information available from a 76
commercially available database, or aggregate of databases, that 77
regularly are used by government and businesses for the purpose of 78
age and identity verification to personal information provided 79
during an internet sale or other remote method of sale to 80
establish that the purchaser is twenty-one years of age or older. 81

(2)(a) "Alternative nicotine product" means, subject to 82
division (A)(2)(b) of this section, an electronic smoking device, 83
vapor product, or any other product or device that consists of or 84
contains nicotine that can be ingested into the body by any means, 85
including, but not limited to, chewing, smoking, absorbing, 86
dissolving, or inhaling. 87

(b) "Alternative nicotine product" does not include any of 88
the following: 89

(i) Any cigarette or other tobacco product; 90

(ii) Any product that is a "drug" as that term is defined in 91
21 U.S.C. 321(g)(1); 92

(iii) Any product that is a "device" as that term is defined 93
in 21 U.S.C. 321(h); 94

(iv) Any product that is a "combination product" as described 95
in 21 U.S.C. 353(g). 96

(3) "Cigarette" includes clove cigarettes and hand-rolled 97
cigarettes. 98

(4) "Characterizing flavor" means any taste or smell other 99
than the taste or smell of tobacco or menthol. "Characterizing 100
flavor" includes the taste or smell of fruit, mint, chocolate, 101
cocoa, vanilla, honey, candy, dessert, any alcoholic beverage, 102
herb, or spice. 103

(5) "Distribute" means to furnish, give, or provide 104
 cigarettes, other tobacco products, alternative nicotine products, 105
 or papers used to roll cigarettes to the ultimate consumer of the 106
 cigarettes, other tobacco products, alternative nicotine products, 107
 or papers used to roll cigarettes. 108

~~(5)~~(6) "Electronic smoking device" means any device that can 109
 be used to deliver aerosolized or vaporized nicotine or any other 110
 substance to the person inhaling from the device including an 111
 electronic cigarette, electronic cigar, electronic hookah, vaping 112
 pen, or electronic pipe. "Electronic smoking device" includes any 113
 component, part, or accessory of such a device, whether or not 114
 sold separately, and includes ~~any substance intended to be~~ 115
~~aerosolized or vaporized during the use of the device~~ electronic 116
liquids. "Electronic smoking device" does not include any product 117
 that is a drug, device, or combination product, as those terms are 118
 defined or described in 21 U.S.C. 321 and 353(g). 119

~~(6)~~(7) "Proof of age" means a driver's license, a commercial 120
 driver's license, a military identification card, a passport, or 121
 an identification card issued under sections 4507.50 to 4507.52 of 122
 the Revised Code that shows that a person is ~~eighteen~~ twenty-one 123
 years of age or older. 124

~~(7)~~(8) "Electronic liquid" means any solution containing 125
nicotine, including synthetic nicotine, that is designed or sold 126
for use with an electronic smoking device. 127

(9) "Flavored electronic liquid" means any electronic liquid 128
with a characterizing flavor. 129

(10) "Tobacco product" means any product that is made or 130
 derived from tobacco or that contains any form of nicotine, if it 131
 is intended for human consumption or is likely to be consumed, 132
 whether smoked, heated, chewed, absorbed, dissolved, inhaled, or 133

ingested by any other means, including, but not limited to, a 134
 cigarette, an electronic smoking device, a cigar, pipe tobacco, 135
 chewing tobacco, snuff, or snus. "Tobacco product" also means any 136
 component or accessory used in the consumption of a tobacco 137
 product, such as filters, rolling papers, pipes, blunt or hemp 138
 wraps, and electronic liquids ~~used in electronic smoking devices,~~ 139
~~whether or not they contain nicotine.~~ "Tobacco product" does not 140
 include any product that is a drug, device, or combination 141
 product, as those terms are defined or described in 21 U.S.C. 321 142
 and 353(g). 143

~~(8)~~(11) "Vapor product" means a product, other than a 144
 cigarette or other tobacco product as defined in Chapter 5743. of 145
 the Revised Code, that contains or is made or derived from 146
 nicotine and that is intended and marketed for human consumption, 147
 including by smoking, inhaling, snorting, or sniffing. "Vapor 148
 product" includes any component, part, or additive that is 149
 intended for use in an electronic smoking device, a mechanical 150
 heating element, battery, or electronic circuit and is used to 151
 deliver the product. "Vapor product" does not include any product 152
 that is a drug, device, or combination product, as those terms are 153
 defined or described in 21 U.S.C. 321 and 353(g). "Vapor product" 154
 includes any product containing nicotine, regardless of 155
 concentration. 156

~~(9)~~(12) "Vending machine" has the same meaning as "coin 157
 machine" in section 2913.01 of the Revised Code. 158

(B) No manufacturer, producer, distributor, wholesaler, or 159
 retailer of cigarettes, other tobacco products, alternative 160
 nicotine products, or papers used to roll cigarettes, no agent, 161
 employee, or representative of a manufacturer, producer, 162
 distributor, wholesaler, or retailer of cigarettes, other tobacco 163
 products, alternative nicotine products, or papers used to roll 164

- cigarettes, and no other person shall do any of the following: 165
- (1) Give away, sell, or otherwise distribute cigarettes, 166
other tobacco products, alternative nicotine products, or papers 167
used ~~to~~: 168
- (a) To roll cigarettes to any person under twenty-one years 169
of age; or 170
- (b) Without first verifying proof of age. 171
- (2) Give away, sell, or otherwise distribute cigarettes, 172
other tobacco products, alternative nicotine products, or papers 173
used to roll cigarettes in any place that does not have posted in 174
a conspicuous place a legibly printed sign in letters at least 175
one-half inch high stating that giving, selling, or otherwise 176
distributing cigarettes, other tobacco products, alternative 177
nicotine products, or papers used to roll cigarettes to a person 178
under twenty-one years of age is prohibited by law; 179
- (3) Knowingly furnish any false information regarding the 180
name, age, or other identification of any person under twenty-one 181
years of age with purpose to obtain cigarettes, other tobacco 182
products, alternative nicotine products, or papers used to roll 183
cigarettes for that person; 184
- (4) Manufacture, sell, or otherwise distribute in this state 185
any pack or other container of cigarettes containing fewer than 186
twenty cigarettes or any package of roll-your-own tobacco 187
containing less than six-tenths of one ounce of tobacco; 188
- (5) Sell cigarettes or alternative nicotine products in a 189
smaller quantity than that placed in the pack or other container 190
by the manufacturer; 191
- (6) Give away, sell, or otherwise distribute alternative 192
nicotine products, papers used to roll cigarettes, or tobacco 193

products other than cigarettes over the internet or through	194
another remote method without age verification;	195
<u>(7) Allow an employee under eighteen years of age to sell any</u>	196
<u>tobacco product;</u>	197
<u>(8) Give away or otherwise distribute free samples of</u>	198
<u>cigarettes, other tobacco products, alternative nicotine products,</u>	199
<u>or coupons redeemable for cigarettes, other tobacco products, or</u>	200
<u>alternative nicotine products:</u>	201
<u>(a) To any person under twenty-one years of age;</u>	202
<u>(b) Without first verifying proof of age;</u>	203
<u>(c) In a manner prohibited under, or in accordance with</u>	204
<u>Chapter 1333. or 1345. of the Revised Code; or</u>	205
<u>(d) Without first paying the taxes levied on such cigarettes,</u>	206
<u>other tobacco products, or alternative nicotine products under, or</u>	207
<u>in accordance with Chapter 5743. of the Revised Code.</u>	208
<u>(9) Give away, sell, offer for sale, advertise for sale,</u>	209
<u>display, or market any flavored electronic liquid, other than an</u>	210
<u>electronic smoking device or electronic liquid for which a</u>	211
<u>marketing order has been issued by the United States food and drug</u>	212
<u>administration under 21 U.S.C. 387j.</u>	213
(C) No person shall sell or offer to sell cigarettes, other	214
tobacco products, or alternative nicotine products by or from a	215
vending machine, except in the following locations:	216
(1) An area within a factory, business, office, or other	217
place not open to the general public;	218
(2) An area to which persons under twenty-one years of age	219
are not generally permitted access;	220
(3) Any other place not identified in division (C)(1) or (2)	221

of this section, upon all of the following conditions:	222
(a) The vending machine is located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person, so that all cigarettes, other tobacco product, and alternative nicotine product purchases from the vending machine will be readily observed by the person who owns or operates the place or an employee of that person. For the purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway, or outer waiting area, shall not be considered located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person.	223 224 225 226 227 228 229 230 231 232 233 234
(b) The vending machine is inaccessible to the public when the place is closed.	235 236
(c) A clearly visible notice is posted in the area where the vending machine is located that states the following in letters that are legibly printed and at least one-half inch high:	237 238 239
"It is illegal for any person under the age of 21 to purchase tobacco or alternative nicotine products."	240 241
(D) The following are affirmative defenses to a charge under division (B)(1) of this section:	242 243
(1) The person under twenty-one years of age was accompanied by a parent, spouse who is twenty-one years of age or older, or legal guardian of the person under twenty-one years of age.	244 245 246
(2) The person who gave, sold, or distributed cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a person under twenty-one years of age under division (B)(1) of this section is a parent, spouse who is	247 248 249 250

twenty-one years of age or older, or legal guardian of the person 251
under twenty-one years of age. 252

~~(E)(1)~~ It is not a violation of division (B)(1) or (2) of 253
this section for a person to give or otherwise distribute to a 254
person under twenty-one years of age cigarettes, other tobacco 255
products, alternative nicotine products, or papers used to roll 256
cigarettes while the person under twenty-one years of age is 257
participating in a research protocol if all of the following 258
apply: 259

~~(1)(a)~~ The parent, guardian, or legal custodian of the person 260
under twenty-one years of age has consented in writing to the 261
person under twenty-one years of age participating in the research 262
protocol. 263

~~(2)(b)~~ An institutional human subjects protection review 264
board, or an equivalent entity, has approved the research 265
protocol. 266

~~(3)(c)~~ The person under twenty-one years of age is 267
participating in the research protocol at the facility or location 268
specified in the research protocol. 269

(2) It is not a violation of division (B)(1) or (2) of this 270
section for an employer to permit an employee eighteen, nineteen,
or twenty years of age to sell a tobacco product. 271
272

(F)(1) No delivery service shall accept from, transport or 273
deliver to, or allow pick-up by, a person under twenty-one years
of age with respect to any of the following: 274
275

(a) Alternative nicotine products; 276

(b) Papers used to roll cigarettes; 277

(c) Tobacco products other than cigarettes. 278

(2) A delivery service shall require proof of age as a 279
condition of accepting, transporting, delivering, or allowing 280
pickup of the items described in divisions (F)(1)(a) to (c) of 281
this section. 282

(G) Whoever violates division (B)(1), (2), (4), (5), ~~or~~ (6) 283
~~or~~, (7), (8), or (9), (C), or (F) of this section is guilty of 284
 illegal distribution of cigarettes, other tobacco products, or 285
 alternative nicotine products. Except as otherwise provided in 286
 this division, illegal distribution of cigarettes, other tobacco 287
 products, or alternative nicotine products is a misdemeanor of the 288
 fourth degree. If the offender previously has been convicted of a 289
~~violation of division (B)(1), (2), (4), (5), or (6) or (C) of this~~ 290
~~section, or pleaded guilty to illegal distribution of cigarettes,~~ 291
 other tobacco products, or alternative nicotine products is a 292
 misdemeanor of the third degree. 293

~~(2)~~(H) Whoever violates division (B)(3) of this section is 294
 guilty of permitting a person under twenty-one years of age to use 295
 cigarettes, other tobacco products, or alternative nicotine 296
 products. Except as otherwise provided in this division, 297
 permitting a person under twenty-one years of age to use 298
 cigarettes, other tobacco products, or alternative nicotine 299
 products is a misdemeanor of the fourth degree. If the offender 300
 previously has been convicted of a violation of division (B)(3) of 301
 this section, permitting a person under twenty-one years of age to 302
 use cigarettes, other tobacco products, or alternative nicotine 303
 products is a misdemeanor of the third degree. 304

~~(G)~~(I) Any cigarettes, other tobacco products, alternative 305
 nicotine products, or papers used to roll cigarettes that are 306
 given, sold, or otherwise distributed to a person under twenty-one 307
 years of age in violation of this section and that are used, 308

possessed, purchased, or received by a person under twenty-one 309
 years of age in violation of section 2151.87 of the Revised Code 310
 are subject to seizure and forfeiture as contraband under Chapter 311
 2981. of the Revised Code. 312

Sec. 2927.023. (A) As used in this section: 313

(1) "Authorized recipient of tobacco products" means ~~a~~: 314

(a) In the case of cigarettes, a person who is: 315

~~(a)(i)~~ Licensed as a cigarette wholesale dealer under section 316
 5743.15 of the Revised Code; 317

~~(b)(ii)~~ Licensed as a retail dealer as long as the person 318
 purchases cigarettes with the appropriate tax stamp affixed; 319

~~(c)(iii)~~ An export warehouse proprietor as defined in section 320
 5702 of the Internal Revenue Code; 321

~~(d)(iv)~~ An operator of a customs bonded warehouse under 19 322
 U.S.C. 1311 or 19 U.S.C. 1555; 323

~~(e)(v)~~ An officer, employee, or agent of the federal 324
 government or of this state acting in the person's official 325
 capacity; 326

~~(f)(vi)~~ A department, agency, instrumentality, or political 327
 subdivision of the federal government or of this state; 328

~~(g)(vii)~~ A person having a consent for consumer shipment 329
 issued by the tax commissioner under section 5743.71 of the 330
 Revised Code. 331

(b) In the case of electronic smoking devices or vapor 332
 products, a person who is: 333

(i) Licensed as a distributor or retailer of tobacco or vapor 334
 products under section 5743.61 of the Revised Code; 335

<u>(ii) An operator of a customs bonded warehouse under 19</u>	336
<u>U.S.C. 1311 or 19 U.S.C. 1555;</u>	337
<u>(iii) An officer, employee, or agent of the federal</u>	338
<u>government or of this state acting in the person's official</u>	339
<u>capacity;</u>	340
<u>(iv) A department, agency, instrumentality, or political</u>	341
<u>subdivision of the federal government or of this state.</u>	342
(2) "Motor carrier" has the same meaning as in section	343
4923.01 of the Revised Code.	344
The purpose of this section is to prevent the sale of	345
<u>cigarettes, electronic smoking devices, and vapor products</u> to	346
minors and to ensure compliance with the Master Settlement	347
Agreement, as defined in section 1346.01 of the Revised Code.	348
(B)(1) No person shall cause to be shipped any cigarettes, <u></u>	349
<u>electronic smoking devices, and vapor products</u> to any person in	350
this state other than an authorized recipient of tobacco products.	351
(2) No motor carrier, or other person shall knowingly	352
transport cigarettes, <u> electronic smoking devices, and vapor</u>	353
<u>products</u> to any person in this state that the carrier or other	354
person reasonably believes is not an authorized recipient of	355
tobacco products. If cigarettes, <u> electronic smoking devices, and</u>	356
<u>vapor products</u> are transported to a home or residence, it shall be	357
presumed that the motor carrier, or other person knew that the	358
person to whom the cigarettes, <u> electronic smoking devices, and</u>	359
<u>vapor products</u> were delivered was not an authorized recipient of	360
tobacco products.	361
(C) No person engaged in the business of selling cigarettes, <u></u>	362
<u>electronic smoking devices, and vapor products</u> who ships or causes	363
to be shipped cigarettes, <u> electronic smoking devices, and vapor</u>	364

products to any person in this state in any container or wrapping 365
 other than the original container or wrapping ~~of the cigarettes~~ 366
 shall fail to plainly and visibly mark the exterior of the 367
 container or wrapping in which the cigarettes, electronic smoking 368
devices, and vapor products are shipped with the words 369
 "cigarettes-," "electronic smoking devices," or "vapor products," 370
as applicable. 371

(D) A court shall impose a fine of up to one thousand dollars 372
 for each violation of division (B)(1), (B)(2), or (C) of this 373
 section." 374

Delete lines 104958 through 105048 and insert: 375

"**Sec. 5743.61.** ~~(A)(1)(A)~~ No ~~distributor or vapor distributor~~ 376
~~person~~ shall engage in the business of distributing or selling 377
 tobacco products, vapor products, or both within this state 378
 without having a license issued by the department of taxation to 379
 engage in that business. 380

~~(2) On the dissolution of a partnership by death, the~~ 381
~~surviving partner may operate under the license of the partnership~~ 382
~~until the expiration of the license, and the heirs or legal~~ 383
~~representatives of deceased persons, and receivers and trustees in~~ 384
~~bankruptcy appointed by any competent authority, may operate under~~ 385
~~the license of the person succeeded in possession by the heir,~~ 386
~~representative, receiver, or trustee in bankruptcy if the partner~~ 387
~~or successor notifies the department of taxation of the~~ 388
~~dissolution or succession within thirty days after the dissolution~~ 389
~~or succession.~~ 390

(B)(1) Each applicant for a license ~~described by division~~ 391
~~(A)(1) of this section~~ to engage in the business of distributing 392
tobacco products, vapor products, or both tobacco and vapor 393

products, annually, on or before the first day of February, shall 394
make and deliver to the tax commissioner, upon a form furnished by 395
the commissioner for that purpose, a statement showing the name of 396
the applicant, each physical place from which the applicant 397
distributes to distributors, vapor distributors, retail dealers, 398
or wholesale dealers, and any other information the commissioner 399
considers necessary for the administration of sections 5743.51 to 400
5743.66 of the Revised Code. 401

(2) At the time of making the application for a license to 402
engage either in the business of distributing tobacco products or 403
in the business of distributing both tobacco products and vapor 404
products, the applicant shall pay an application fee of one 405
thousand dollars for each place listed on the application where 406
the applicant proposes to carry on that business. The application 407
fee for a license to engage solely in the business of distributing 408
vapor products shall be one hundred twenty-five dollars for each 409
place listed on the application where the applicant proposes to 410
carry on that business. The fee charged for the application shall 411
accompany the application and shall be made payable to the 412
treasurer of state for deposit into the cigarette tax enforcement 413
fund. 414

(3) Upon receipt of the application and payment of any 415
licensing fee required by this section, the commissioner shall 416
verify that the applicant has filed all returns, submitted all 417
information, and paid all outstanding taxes, charges, or fees as 418
required for any taxes, charges, or fees administered by the 419
commissioner, to the extent the commissioner is aware of the 420
returns, information, taxes, charges, or fees at the time of the 421
application. Upon approval, the commissioner shall issue to the 422
applicant a license for each place of distribution designated in 423
the application authorizing the applicant to engage in business at 424

that location for one year commencing on the first day of
February. For licenses issued after the first day of February, the
license application fee shall be reduced proportionately by the
remainder of the twelve-month period for which the license is
issued, except that the application fee required to be paid under
this section shall be not less than two hundred dollars. If the
original license is lost, destroyed, or defaced, a duplicate
license may be obtained from the commissioner upon payment of a
license replacement fee of twenty-five dollars.

~~(C)~~(1) Each applicant for a license to engage in the
retail sale of tobacco products, vapor products, or both,
annually, on or before the first day of February, shall make and
deliver to the tax commissioner, upon a form furnished by the
commissioner for that purpose, a statement showing the name of the
applicant, each place of business from which the applicant
proposes to carry on that business, and any other information the
commissioner considers necessary for the administration of
sections 5743.51 to 5743.66 of the Revised Code.

(2) At the time of making the application required by
division (C)(1) of this section, every person desiring to engage
in the retail sale of tobacco products, vapor products, or both,
shall pay an application fee of one hundred twenty-five dollars
for each place of business where the person proposes to engage
such business.

Except as otherwise provided under section 3794.03 of the
Revised Code, each place of business shall be deemed such space,
under lease or license to, or under the control of, or under the
supervision of the applicant, as is contained in one or more
contiguous, adjacent, or adjoining buildings constituting a place
of business operated by, or under the control of, one person, or

under one roof and connected by doors, halls, stairways, or 455
elevators, which space may contain any number of points at which 456
tobacco products, vapor products, or both are offered for retail 457
sale to the public, provided that each additional point at which 458
tobacco products, vapor products, or both are offered for sale 459
shall be listed in the application. 460

(3) Upon receipt and approval of the application and payment 461
of any licensing fee required by division (C) of this section, the 462
commissioner shall issue to the applicant a license for each place 463
of retail sale designated in the application authorizing the 464
applicant to engage in business at that location for one year 465
commencing on the first day of February. For licenses issued after 466
the first day of February, the license application fee shall be 467
reduced proportionately by the remainder of the twelve-month 468
period for which the license is issued, except that the 469
application fee required to be paid under this section shall be 470
not less than twenty-five dollars. If the original license is 471
lost, destroyed, or defaced, a duplicate license may be obtained 472
from the commissioner upon payment of a license replacement fee of 473
twenty-five dollars. 474

(4) The tax commissioner may adopt a rule under division (H) 475
of this section that requires, as a condition of approving a 476
license to engage in the retail sale of tobacco products, vapor 477
products, or both, that the applicant demonstrate compliance with 478
certain taxes, charges, and fees administered by the department of 479
taxation. 480

(5) License fees collected pursuant to division (C) of this 481
section shall be paid into the cigarette tax enforcement fund. 482

(D) The holder of a ~~tobacco or vapor products~~ license issued 483
under division (B) or (C) of this section may transfer the license 484

to a place of business on condition that the licensee's ownership 485
and business structure remains unchanged and the licensee applies 486
to the commissioner for the transfer on a form issued by the 487
commissioner, and pays a transfer fee of twenty-five dollars. 488

~~(D)~~(E) If a distributor or vapor distributor fails to file 489
forms as required under Chapter 1346. or section 5743.52 of the 490
Revised Code or pay the tax due for two consecutive periods or 491
three periods during any twelve-month period, the commissioner may 492
suspend the license issued to the distributor or vapor distributor 493
under division (B) of this section. The suspension is effective 494
ten days after the commissioner notifies the distributor or vapor 495
distributor of the suspension in writing ~~personally or by~~ 496
~~certified mail in the manner provided in section 5703.37 of the~~ 497
Revised Code. The commissioner shall lift the suspension when the 498
distributor or vapor distributor files the delinquent forms and 499
pays the tax due, including any penalties, interest, and 500
additional charges. The commissioner may refuse to issue the 501
annual renewal of the license required by this section and may 502
refuse to issue a new license for a location of the distributor 503
until all delinquent forms are filed and outstanding taxes are 504
paid. This division does not apply to any unpaid or underpaid tax 505
liability that is the subject of a petition or appeal filed 506
pursuant to section 5743.56, 5717.02, or 5717.04 of the Revised 507
Code. 508

~~(E)(1)~~(F)(1) The tax commissioner may impose a penalty of up 509
to one thousand dollars on any person found to be engaging in the 510
business of distributing or selling at retail tobacco products or 511
vapor products without a license as required by this section. Any 512
penalty collected under this section shall be credited to the 513
cigarette tax enforcement fund. 514

(2) Any person engaging in the business of distributing or 515

selling at retail tobacco products or vapor products without a 516
 license as required by this section shall comply with divisions 517
 (B)(1) and (2), or divisions (C)(1) and (2) of this section, as 518
applicable, within ten days after being notified of the 519
 requirement to do so. Failure to comply with division ~~(E)(2)~~(F)(2) 520
 of this section subjects a person to penalties imposed under 521
 section 5743.99 of the Revised Code. 522

(G) On the dissolution of a partnership by death, the 523
surviving partner may operate under the license issued to the 524
partnership under this section until the expiration of the 525
license, and the heirs or legal representatives of deceased 526
persons, and receivers and trustees in bankruptcy appointed by any 527
competent authority, may operate under the license of the person 528
succeeded in possession by the heir, representative, receiver, or 529
trustee in bankruptcy if the partner or successor notifies the 530
department of taxation of the dissolution or succession within 531
thirty days after the dissolution or succession. 532

(H) The tax commissioner may adopt rules necessary to 533
administer this section. 534

(I) As used in this section, "retail sale" means a sale by a 535
retail dealer or seller." 536

In line 108804, after "2927.02," insert "2927.023," 537

After line 236002, insert: 538

"**Section 803.**____. The amendment by this act of section 539
 5743.61 of the Revised Code applies on and after July 1, 2024." 540

The motion was _____ agreed to.

SYNOPSIS

Prohibit local regulations	541
R.C. 9.681	542
Prohibits local regulation of tobacco products and	543
alternative nicotine products. Prohibits fees, taxes, assessments,	544
and charges on such products other than those expressly authorized	545
by state law, e.g., state and local sales taxes, local cigarette	546
taxes, and state tobacco and vapor products taxes.	547
Electronic liquids	548
R.C. 2927.02(A) and (B)(9)	549
Prohibits giving away, selling, or otherwise distributing	550
solutions for use in electronic smoking devices that both contain	551
nicotine and have a "characterizing flavor" other than tobacco or	552
menthol (referred to as "electronic liquids"). A provision of the	553
executive bill, removed by the House, prohibited giving away,	554
selling, or otherwise distributing any flavored tobacco product,	555
regardless of whether the product contains nicotine, and including	556
menthol products.	557
Exempts electronic smoking solutions that do not contain	558
nicotine from the law governing the giveaway, sale, or	559
distribution of other tobacco products.	560
Minimum age to sell tobacco products	561
R.C. 2927.02(B)(7), (E)(2), and (G)	562
Reinstates an executive provision, removed by the Senate,	563
that prohibits a person from allowing an employee under 18 to sell	564
tobacco products. Increases the penalty for violating the	565
prohibition as described below.	566

Free samples	567
R.C. 2927.02(B)(8)	568
Prohibits giving away or otherwise distributing free samples	569
of cigarettes, other tobacco products, and alternative nicotine	570
products or coupons redeemable for such products to persons under	571
21.	572
Proof of age	573
R.C. 2927.02(B)	574
Explicitly requires vendors to verify proof of age prior to	575
selling tobacco products or distributing free samples of tobacco	576
products.	577
Shipment of vapor products and electronic smoking devices to	578
unauthorized persons	579
R.C. 2927.023	580
Reinstates an executive provision removed by the Senate that	581
prohibits the shipment of vapor products and electronic smoking	582
devices to persons other than licensed vapor distributors,	583
operators of customs bonded warehouses, and state and federal	584
government agencies. The executive provision allowed shipment of	585
such products to unlicensed vapor retailers so long as the tax on	586
the vapor products or electronic smoking devices had already been	587
paid. Since the amendment requires licensure of all vapor	588
retailers, it instead authorizes shipment to licensed vapor	589
retailers and distributors.	590
Delivery services	591
R.C. 2927.02(F)	592
Prohibits a delivery service from accepting, transporting,	593
delivering, or allowing pick-up of alternative nicotine products,	594

papers used to roll cigarettes, or tobacco products other than	595
cigarettes to or from a person under 21, as evidenced by proof of	596
age.	597
Vapor and tobacco product seller license	598
R.C. 2927.023 and 5743.61	599
Beginning July 1, 2024, requires persons engaged in selling	600
vapor products or non-cigarette tobacco products in Ohio to obtain	601
an annual license from the Tax Commissioner. An executive	602
provision, removed by the House, required persons selling vapor	603
products to annually register with the Department of Health.	604
Prescribes an annual license fee of \$125 for each place of	605
business. An executive provision, removed by the House, prescribed	606
a \$200 fee for the initial registration and a \$100 annual renewal	607
fee.	608
Allows the Tax Commissioner to impose a penalty of up to	609
\$1,000 on a person who sells vapor products without a license.	610
Requires all fines and fees to be credited to the Cigarette	611
Tax Enforcement Fund.	612
Applies the same administration and enforcement mechanisms	613
that apply to vapor and tobacco product distributors under	614
continuing law.	615

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 54 of the title, after "2151.423," insert "2152.26," 1

In line 215 of the title, after "2151.3533," insert 2
 "2152.261," 3

In line 665, after "2151.423," insert "2152.26," 4

In line 783, after "2151.3533," insert "2152.261," 5

After line 31460, insert: 6

"**Sec. 2152.26.** (A) Except as provided in section 2152.261 of 7
the Revised Code and divisions (B) and (F) of this section, a 8
 child alleged to be or adjudicated a delinquent child or a 9
 juvenile traffic offender may be held only in the following 10
 places: 11

(1) A certified foster home or a home approved by the court; 12

(2) A facility operated by a certified child welfare agency; 13

(3) Any other suitable place designated by the court. 14

(B) In addition to the places listed in division (A) of this 15
 section, a child alleged to be or adjudicated a delinquent child 16
 or a person described in division (C)(7) of section 2152.02 of the 17
 Revised Code may be held in a detention facility for delinquent 18
 children that is under the direction or supervision of the court 19

or other public authority or of a private agency and approved by
the court, and a child adjudicated a delinquent child may be held
in accordance with division (F)(2) of this section in a facility
of a type specified in that division.

(C)(1) Except as provided under division (C)(1) of section
2151.311 of the Revised Code or division (A)(5) of section 2152.21
of the Revised Code, a child alleged to be or adjudicated a
juvenile traffic offender may not be held in any of the following
facilities:

(a) A state correctional institution, county, multicounty, or
municipal jail or workhouse, or other place in which an adult
convicted of crime, under arrest, or charged with a crime is held.

(b) A secure correctional facility.

(2) Except as provided under this section, sections 2151.56
to 2151.59, and divisions (A)(5) and (6) of section 2152.21 of the
Revised Code, a child alleged to be or adjudicated a juvenile
traffic offender may not be held for more than twenty-four hours
in a detention facility.

(D) Except as provided in division (F) of this section or in
division (C) of section 2151.311, in division (C)(2) of section
5139.06 and section 5120.162, or in division (B) of section
5120.16 of the Revised Code, a child who is alleged to be or is
adjudicated a delinquent child or a person described in division
(C)(7) of section 2152.02 of the Revised Code may not be held in a
state correctional institution, county, multicounty, or municipal
jail or workhouse, or other place where an adult convicted of
crime, under arrest, or charged with crime is held.

(E) Unless the detention is pursuant to division (F) of this
section or division (C) of section 2151.311, division (C)(2) of

section 5139.06 and section 5120.162, or division (B) of section
5120.16 of the Revised Code, the official in charge of the
institution, jail, workhouse, or other facility shall inform the
court immediately when a person who is or appears to be under the
age of eighteen years, or a person who is charged with a violation
of an order of a juvenile court or a violation of probation or
parole conditions imposed by a juvenile court and who is or
appears to be between the ages of eighteen and twenty-one years,
is received at the facility and shall deliver the person to the
court upon request or transfer the person to a detention facility
designated by the court.

(F)(1) If a case is transferred to another court for criminal
prosecution pursuant to section 2152.12 of the Revised Code and
the alleged offender is a person described in division (C)(7) of
section 2152.02 of the Revised Code, the person may not be
transferred for detention pending the criminal prosecution in a
jail or other facility except under the circumstances described in
division (F)(4) of this section. Any child held in accordance with
division (F)(3) of this section shall be confined in a manner that
keeps the child beyond the sight and sound of all adult detainees.
The child shall be supervised at all times during the detention.

(2) If a person is adjudicated a delinquent child or juvenile
traffic offender or is a person described in division (C)(7) of
section 2152.02 of the Revised Code and the court makes a
disposition of the person under this chapter, at any time after
the person attains twenty-one years of age, the person may be held
under that disposition or under the circumstances described in
division (F)(4) of this section in places other than those
specified in division (A) of this section, including, but not
limited to, a county, multicounty, or municipal jail or workhouse,
or other place where an adult convicted of crime, under arrest, or

charged with crime is held. 80

(3)(a) A person alleged to be a delinquent child may be held 81
in places other than those specified in division (A) of this 82
section, including, but not limited to, a county, multicounty, or 83
municipal jail, if the delinquent act that the child allegedly 84
committed would be a felony if committed by an adult, and if 85
either of the following applies: 86

(i) The person attains twenty-one years of age before the 87
person is arrested or apprehended for that act. 88

(ii) The person is arrested or apprehended for that act 89
before the person attains twenty-one years of age, but the person 90
attains twenty-one years of age before the court orders a 91
disposition in the case. 92

(b) If, pursuant to division (F)(3)(a) of this section, a 93
person is held in a place other than a place specified in division 94
(A) of this section, the person has the same rights to bail as an 95
adult charged with the same offense who is confined in a jail 96
pending trial. 97

(4)(a) Any person whose case is transferred for criminal 98
prosecution pursuant to section 2152.10 or 2152.12 of the Revised 99
Code or any person who has attained the age of eighteen years but 100
has not attained the age of twenty-one years and who is being held 101
in a place specified in division (B) of this section may be held 102
under that disposition or charge in places other than those 103
specified in division (B) of this section, including a county, 104
multicounty, or municipal jail or workhouse, or other place where 105
an adult under arrest or charged with crime is held if the 106
juvenile court, upon its own motion or upon motion by the 107
prosecutor and after notice and hearing, establishes by a 108
preponderance of the evidence and makes written findings of either 109

of the following: 110

(i) With respect to a person whose case is transferred for 111
criminal prosecution pursuant to either specified section or who 112
has attained the age of eighteen years but who has not attained 113
the age of twenty-one years and is being so held, that the youth 114
is a threat to the safety and security of the facility; 115

(ii) With respect to a person who has attained the age of 116
eighteen years but who has not attained the age of twenty-one 117
years and is being so held, that the best interests of the youth 118
require that the youth be held in a place other than a place 119
specified in division (B) of this section, including a county, 120
multicounty, or municipal jail or workhouse, or other place where 121
an adult under arrest or charged with crime is held. 122

(b) In determining for purposes of division (F)(4)(a)(i) of 123
this section whether a youth is a threat to the safety and 124
security of the facility, evidence that the youth is a threat to 125
the safety and security of the facility may include, but is not 126
limited to, whether the youth has done any of the following: 127

(i) Injured or created an imminent danger to the life or 128
health of another youth or staff member in the facility or program 129
by violent behavior; 130

(ii) Escaped from the facility or program in which the youth 131
is being held on more than one occasion; 132

(iii) Established a pattern of disruptive behavior as 133
verified by a written record that the youth's behavior is not 134
conducive to the established policies and procedures of the 135
facility or program in which the youth is being held. 136

(c) If a prosecutor submits a motion requesting that a person 137
be held in a place other than those specified in division (B) of 138

this section or if the court submits its own motion, the juvenile
court shall hold a hearing within five days of the filing of the
motion, and, in determining whether a place other than those
specified in division (B) of this section is the appropriate place
of confinement for the person, the court shall consider the
following factors:

(i) The age of the person;

(ii) Whether the person would be deprived of contact with
other people for a significant portion of the day or would not
have access to recreational facilities or age-appropriate
educational opportunities in order to provide physical separation
from adults;

(iii) The person's current emotional state, intelligence, and
developmental maturity, including any emotional and psychological
trauma, and the risk to the person in an adult facility, which may
be evidenced by mental health or psychological assessments or
screenings made available to the prosecuting attorney and the
defense counsel;

(iv) Whether detention in a juvenile facility would
adequately serve the need for community protection pending the
outcome of the criminal proceeding;

(v) The relative ability of the available adult and juvenile
detention facilities to meet the needs of the person, including
the person's need for age-appropriate mental health and
educational services delivered by individuals specifically trained
to deal with youth;

(vi) Whether the person presents an imminent risk of
self-inflicted harm or an imminent risk of harm to others within a
juvenile facility;

(vii) Any other factors the juvenile court considers to be relevant. 168
169

(d) If the juvenile court determines that a place other than those specified in division (B) of this section is the appropriate place for confinement of a person pursuant to division (F)(4)(a) of this section, the person may petition the juvenile court for a review hearing thirty days after the initial confinement decision, thirty days after any subsequent review hearing, or at any time after the initial confinement decision upon an emergency petition by the youth due to the youth facing an imminent danger from others or the youth's self. Upon receipt of the petition, the juvenile court has discretion over whether to conduct the review hearing and may set the matter for a review hearing if the youth has alleged facts or circumstances that, if true, would warrant reconsideration of the youth's placement in a place other than those specified in division (B) of this section based on the factors listed in division (F)(4)(c) of this section. 170
171
172
173
174
175
176
177
178
179
180
181
182
183
184

(e) Upon the admission of a person described in division (F)(4)(a) of this section to a place other than those specified in division (B) of this section, the facility shall advise the person of the person's right to request a review hearing as described in division (F)(4)(d) of this section. 185
186
187
188
189

(f) Any person transferred under division (F)(4)(a) of this section to a place other than those specified in division (B) of this section shall be confined in a manner that keeps those under eighteen years of age beyond sight and sound of all adult detainees. Those under eighteen years of age shall be supervised at all times during the detention. 190
191
192
193
194
195

(G)(1) If a person who is alleged to be or has been adjudicated a delinquent child or who is in any other category of 196
197

persons identified in this section or section 2151.311 of the Revised Code is confined under authority of any Revised Code section in a place other than a place specified in division (B) of this section, including a county, multicounty, or municipal jail or workhouse, or other place where an adult under arrest or charged with crime is held, subject to division (G)(2) of this section, all identifying information, other than the person's county of residence, age, gender, and race and the charges against the person, that relates to the person's admission to and confinement in that place is not a public record open for inspection or copying under section 149.43 of the Revised Code and is confidential and shall not be released to any person other than to a court, to a law enforcement agency for law enforcement purposes, or to a person specified by court order.

(2) Division (G)(1) of this section does not apply with respect to a person whose case is transferred for criminal prosecution pursuant to section 2152.10 or 2152.12 of the Revised Code, who is convicted of or pleads guilty to an offense in that case, who is confined after that conviction or guilty plea in a place other than a place specified in division (B) of this section, and to whom one of the following applies:

(a) The case was transferred other than pursuant to division (A)(1)(a)(i) or (A)(1)(b)(ii) of section 2152.12 of the Revised Code.

(b) The case was transferred pursuant to division (A)(1)(a)(i) or (A)(1)(b)(ii) of section 2152.12 of the Revised Code, and the person is sentenced for the offense pursuant to division (B)(4) of section 2152.121 of the Revised Code.

(c) The case was transferred pursuant to division (A)(1)(a)(i) or (A)(1)(b)(ii) of section 2152.12 of the Revised

Code, the person is sentenced for the offense pursuant to division 228
(B)(3) of section 2152.121 of the Revised Code by the court in 229
which the person was convicted of or pleaded guilty to the 230
offense, and the sentence imposed by that court is invoked 231
pursuant to division (B)(3)(b) of section 2152.121 of the Revised 232
Code. 233

Sec. 2152.261. (A)(1) The director of youth services may 234
request the prosecuting attorney of the county in which is located 235
the juvenile court that imposed a sentence upon a person under 236
section 2152.121, 2152.16, 2152.17, or 2152.19 of the Revised Code 237
to file a motion with that juvenile court to modify the place at 238
which the person is held if all of the following apply to the 239
person: 240

(a) The person is at least 18 years of age. 241

(b) The person is in the institutional custody, or an escapee 242
from the custody, of the department of youth services. 243

(c) The person is serving a sentence imposed upon the person 244
under section 2152.121, 2152.16, 2152.17, or 2152.19 of the 245
Revised Code. 246

(2) The motion shall state that there is reasonable cause to 247
believe that either of the following misconduct has occurred and 248
shall state that at least one incident of misconduct of that 249
nature occurred after the person reached eighteen years of age: 250

(a) The person committed an act that is a violation of the 251
rules of the institution and that could be charged as a felony, or 252
the person committed two or more acts that are violations of the 253
rules of the institution and that could be charged as a first 254
degree misdemeanor offense of violence. 255

(b) The person engaged in conduct that creates a substantial risk to the safety or security of the institution or the institution's staff, the community, or the victim. 256
257
258

(B) If the prosecuting attorney declines a request to file a motion that was made by the department of youth services under division (A) of this section or fails to act on a request made by the department of youth services within five days of the request to file a motion, the department of youth services may notify the juvenile court of the circumstances described in division (A) of this section. Upon receiving the notice, the juvenile court, upon its own motion, may seek to modify the place at which the person is held. 259
260
261
262
263
264
265
266
267

(C) Within twenty days of the filing of a motion described in division (A) or (B) of this section, the juvenile court shall hold a hearing to determine whether to modify the place at which the person is held. At the hearing, the person who is the subject of the motion has the right to be present, to receive notice of the grounds upon which the place at which the person to be held is to be modified, to be represented by counsel, to be advised on the procedures and protections set forth in the Rules of Criminal Procedure, and to present evidence on the person's own behalf, including evidence that the person has a mental illness or intellectual disability. The person may not waive the right to counsel. The hearing shall be open to the public. If the person presents evidence that the person has a mental illness or intellectual disability, the juvenile court shall consider that evidence in determining whether to modify the place at which the person is held. 268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283

(D) The juvenile court may modify the place at which the person is held if the juvenile court finds all of the following on 284
285

the record by clear and convincing evidence: 286

(1) The person is at least 18 years of age and has been 287
admitted to a department of youth services facility or criminal 288
charges are pending against the person. 289

(2) The person engaged in the misconduct described in 290
division (A)(2) of this section. 291

(E) If a juvenile court issues an order modifying the place 292
at which the person is held, the department of youth services 293
shall transfer the person to the department of rehabilitation and 294
correction. The juvenile court shall state in its order the total 295
number of days that the person has been held in detention or in a 296
facility operated by, or under contract with, the department of 297
youth services. The time the person must serve on the sentence 298
imposed on the person under section 2152.121, 2152.16, 2152.17, or 299
2152.19 of the Revised Code shall be reduced by the total number 300
of days specified in the order plus any additional days the person 301
is held in a juvenile facility or detention after the order is 302
issued and before the person is transferred to the custody of the 303
department of rehabilitation and correction. 304

Any community control imposed as part of the adult sentence 305
or as a condition of a judicial release from prison shall be under 306
the supervision of the entity that provides adult probation 307
services in the county. Any post-release control imposed after the 308
offender otherwise is released from prison shall be supervised by 309
the adult parole authority." 310

In line 108803, after "2151.423," insert "2152.26," 311

The motion was _____ agreed to.

SYNOPSIS

Modify place juvenile is held	312
R.C. 2152.26 and 2152.261	313
Allows the Director of DYS to request the prosecuting attorney or juvenile court to file a motion to modify the place at which the person is held if the following apply to the person:	314 315 316
- The person is at least 18 years old.	317
- The person is in the custody of DYS.	318
- The person is serving a sentence imposed for a delinquent child.	319 320
Requires the motion to state that there is reasonable cause to believe that either of the following misconduct has occurred after the person reached 18 years of age:	321 322 323
- The person committed an act that is a violation of the rules of the institution and that could be charged as a felony, or the person committed two or more acts that are violations of the rules of the institution that could be charged as a first degree misdemeanor offense of violence.	324 325 326 327 328
- The person has engaged in conduct that creates a substantial risk to the institution, community, or victim.	329 330
Allows the juvenile court to modify the place the person is held from a DYS facility to a DRC facility if the juvenile court finds the above by clear and convincing evidence.	331 332 333

_____ moved to amend as follows:

1 After line 229262, insert:

2 "On July 1, 2023, or as soon as possible thereafter, the
3 Director of Natural Resources may certify to the Director of
4 Budget and Management an amount up to the unexpended,
5 unencumbered balance of the foregoing appropriation item 725520,
6 Special Projects, at the end of fiscal year 2023 to be
7 reappropriated in fiscal year 2024. The amount certified is
8 hereby reappropriated to the same appropriation item for fiscal
9 year 2024 and shall be used to support the prevention,
10 treatment, and removal of invasive aquatic vegetation at Indian
11 Lake."

12 The motion was _____ agreed to.

13 SYNOPSIS

14 **Department of Natural Resources**

15 **Section 343.30**

16 Allows the ODNR Director to certify to the OBM Director the
17 unexpended, unencumbered balance remaining in appropriation item
18 725520, Special Projects, at the end of FY 2023.

SC2482

19 Reappropriates the certified amount for FY 2024 and
20 earmarks the certified amount to support the prevention,
21 treatment, and removal of invasive aquatic vegetation at Indian
22 Lake.

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 176 of the title, after "5703.77," insert "5705.01," 1

In line 217 of the title, after "3313.7117," insert 2
"3313.831," 3

In line 232 of the title, after "5595.042," insert 4
"5705.2114," 5

In line 754, after "5703.77," insert "5705.01," 6

In line 785, after "3313.7117," insert "3313.831," 7

In line 796, after "5595.042," insert "5705.2114," 8

After line 39371, insert: 9

"Sec. 3313.831. (A)(1) For the purpose of pooling resources, 10
operating more cost effectively, minimizing administrative 11
overhead, encouraging the sharing of resource development, and 12
diminishing duplication, the boards of education of two or more 13
city, local, or exempted village school districts, by adopting 14
identical resolutions, may enter into an agreement providing for 15
the creation of a career-technical cooperative education district 16
for the purpose of funding and providing the career-technical 17
education of students enrolled in those school districts in grades 18
seven through twelve with career-technical education adequate to 19
prepare those students for an occupation. 20

(2) The territory of a career-technical cooperative education district at any time shall be composed of the combined territories of the school districts that are parties to the agreement at that time. Services funded by a career-technical cooperative education district shall be available to all individuals enrolled in a school district that is a part of the career-technical cooperative education district. 21
22
23
24
25
26
27

(3) The agreement may be amended pursuant to terms and procedures mutually agreed to by the boards of education that are parties to the agreement. 28
29
30

(B) Each career-technical cooperative education district shall be governed by a board of directors. The superintendent of each board of education that is a party to the agreement shall serve on the board of directors. The agreement shall provide for the terms of office of directors. Directors shall receive no compensation, but shall be reimbursed, from the special fund of the career-technical education district, for the reasonable and necessary expenses they incur in the performance of their duties for the district. The agreement shall provide for the conduct of the board's initial organizational meeting and for the frequency of subsequent meetings and quorum requirements. At its first meeting, the board shall designate from among its members a president and secretary in the manner provided in the agreement. 31
32
33
34
35
36
37
38
39
40
41
42
43

The board of directors of a career-technical cooperative education district is a body corporate and politic, is capable of suing and being sued, is capable of contracting within the limits of this section and the agreement governing the district, and is capable of accepting gifts, donations, bequests, or other grants of money for use in paying its expenses. The district is a public office and its directors are public officials within the meaning 44
45
46
47
48
49
50

of section 117.01 of the Revised Code, the board of directors is a public body within the meaning of section 121.22 of the Revised Code, and records of the board and of the district are public records within the meaning of section 149.43 of the Revised Code.

The agreement shall require the board to designate a permanent location for its offices and meeting place, and may provide for the use of such facilities and property for the provision of services by the agencies with which the board contracts under division (C) of this section.

(C)(1) To provide the services identified in division (A)(1) of this section, the board of directors of a career-technical cooperative education district shall provide for the hiring of employees or shall contract with one or more entities, including a school district that is a party to the agreement, an educational service center, or a state institution of higher education.

An agreement entered into under this section shall do both of the following:

(a) Provide for the distribution of services to be provided by the career-technical cooperative education district and a resident district. The agreement shall specify which services will be provided by employees of member districts and which services will be provided by the career-technical cooperative education district.

(b) Include a statement of how transportation of students to and from school will be provided in the career-technical cooperative education district. The statement shall include at least both of the following:

(i) How special education students will be transported as required by their individualized education plan adopted pursuant

to section 3323.08 of the Revised Code; 80

(ii) Whether transportation to and from school will be 81
provided to any other students of the career-technical cooperative 82
education district, and, if so, the manner in which this 83
transportation will be provided. 84

(2) The board of directors may levy a tax throughout the 85
district as provided in section 5705.2114 of the Revised Code. The 86
board of directors shall provide for the creation of a special 87
fund to hold the proceeds of any tax levied under section 88
5705.2114 of the Revised Code and any gifts, donations, bequests, 89
or other grants of money coming into the possession of the 90
district. A career-technical cooperative education district is a 91
subdivision, and the board of directors is a governing body, 92
within the meaning of section 135.01 of the Revised Code. The 93
board of directors may not issue securities or otherwise incur 94
indebtedness. 95

(3) The adoption or rejection by electors of a tax levy to 96
fund a career-technical cooperative education district pursuant to 97
section 5705.2114 of the Revised Code does not alter the duty of 98
each school district member of the career-technical cooperative 99
education district to provide special education and related 100
services as required under section 3313.90 of the Revised Code. On 101
the expiration of a career-technical cooperative education 102
district levy, the state, member school districts of the 103
career-technical cooperative education district, and any other 104
governmental entity shall not be obligated to provide replacement 105
funding for the revenues under the expired levy. The tax levy, in 106
whole or in part, shall not be considered a levy for current 107
operating expenses pursuant to division (A) of section 3317.01 of 108
the Revised Code for any of the school districts that are members 109

of the career-technical cooperative education district. 110

(D)(1) The agreement shall provide for the manner of 111
appointing an individual or entity to perform the duties of fiscal 112
officer of the career-technical cooperative education district. 113
The agreement shall specify the length of time the individual or 114
entity shall perform those duties and whether the individual or 115
entity may be reappointed upon the completion of a term. The 116
fiscal officer may receive compensation for performing the duties 117
of the position and be reimbursed for reasonable expenses of 118
performing those duties from the career-technical cooperative 119
education district's special fund. 120

(2) The legal advisor of the board of directors of a 121
career-technical cooperative education district shall be the 122
prosecuting attorney of the most populous county containing a 123
school district that is a member of the career-technical 124
cooperative education district. The prosecuting attorney shall 125
prosecute all actions against a member of the board of directors 126
for malfeasance or misfeasance in office and shall be the legal 127
counsel for the board and its members in all other actions brought 128
by or against them and shall conduct those actions in the 129
prosecuting attorney's official capacity. No compensation in 130
addition to the prosecuting attorney's regular salary shall be 131
allowed. 132

(E) The board of directors of a career-technical cooperative 133
education district shall procure a policy or policies of insurance 134
insuring the board, the fiscal officer, and the legal 135
representative against liability on account of damage or injury to 136
persons and property. Before procuring such insurance the board 137
shall adopt a resolution setting forth the amount of insurance to 138
be purchased, the necessity of the insurance, and a statement of 139

its estimated premium cost. Insurance procured pursuant to this 140
section shall be from one or more recognized insurance companies 141
authorized to do business in this state. The cost of the insurance 142
shall be paid from the district's special fund. 143

A career-technical cooperative education district is a 144
political subdivision within the meaning of section 2744.01 of the 145
Revised Code. 146

(F)(1) The board of education of a school district may join 147
an existing career-technical cooperative education district by 148
adopting a resolution requesting to join as a party to the 149
agreement and upon approval by the boards of education that 150
currently are parties to the agreement. If a tax is levied in the 151
career-technical cooperative education district under section 152
5705.2114 of the Revised Code, a board of education may join the 153
district only after a majority of qualified electors in the school 154
district voting on the question vote in favor of levying the tax 155
throughout the school district. A board of education joining an 156
existing district shall have the same powers, rights, and 157
obligations under the agreement as other boards of education that 158
are parties to the agreement. 159

(2) A board of education that is a party to an agreement 160
under this section may withdraw the school district from a 161
career-technical cooperative education district by adopting a 162
resolution. The withdrawal shall take effect on the date provided 163
in the resolution. If a tax is levied in the career-technical 164
cooperative education district under section 5705.2114 of the 165
Revised Code, the resolution shall take effect not later than the 166
first day of January following adoption of the resolution. 167
Beginning with the first day of January following adoption of the 168
resolution, any tax levied under section 5705.2114 of the Revised 169

Code shall not be levied within the territory of the withdrawing school district. Any collection of tax levied in the territory of the withdrawing school district under that section that has not been settled and distributed when the resolution takes effect shall be credited to the district's special fund. 170
171
172
173
174

(G) An agreement entered into under this section shall provide for the manner of the career-technical cooperative education district's dissolution. The district shall cease to exist when not more than one school district remains in the district, and the levy of any tax under section 5705.2114 of the Revised Code shall not be extended on the tax lists in any tax year beginning after the dissolution of the district. The agreement shall provide that, upon dissolution of the district, any unexpended balance in the district's special fund shall be divided among the school districts that are parties to the agreement immediately before dissolution in proportion to the taxable valuation of taxable property in the districts, and credited to their respective general funds. 175
176
177
178
179
180
181
182
183
184
185
186
187

(H)(1) A career-technical cooperative education district is not a joint vocational school district. Rather, a career-technical cooperative education district shall be considered a compact career-technical education provider, as defined in section 3326.01 of the Revised Code, for the purposes of Title XXXIII of the Revised Code. 188
189
190
191
192
193

(2) The career-technical cooperative education district shall be the lead district as defined in section 3317.023 of the Revised Code to provide primary career-technical education leadership to the member districts. The department of education and workforce shall compute and make payments under Chapter 3317. of the Revised Code to a career-technical cooperative education district in the 194
195
196
197
198
199

<u>same manner as a lead district of a career-technical planning</u>	200
<u>district under that chapter.</u>	201
<u>(I) The department shall create an internal retrieval number</u>	202
<u>for each career-technical cooperative education district</u>	203
<u>established under this section."</u>	204

After line 95904, insert: 205

"Sec. 5705.01. As used in this chapter: 206

(A) "Subdivision" means any county; municipal corporation; 207
 township; township police district; joint police district; 208
 township fire district; joint fire district; joint ambulance 209
 district; joint emergency medical services district; fire and 210
 ambulance district; joint recreation district; township waste 211
 disposal district; township road district; community college 212
 district; technical college district; detention facility district; 213
 a district organized under section 2151.65 of the Revised Code; a 214
 combined district organized under sections 2152.41 and 2151.65 of 215
 the Revised Code; a joint-county alcohol, drug addiction, and 216
 mental health service district; a drainage improvement district 217
 created under section 6131.52 of the Revised Code; a lake 218
 facilities authority created under Chapter 353. of the Revised 219
 Code; a union cemetery district; a county school financing 220
 district; a city, local, exempted village, cooperative education, 221
 joint vocational school district; ~~or~~ a regional student education 222
 district created under section 3313.83 of the Revised Code; or a 223
career-technical cooperative education district created under 224
section 3313.831 of the Revised Code. 225

(B) "Municipal corporation" means all municipal corporations, 226
 including those that have adopted a charter under Article XVIII, 227
 Ohio Constitution. 228

(C) "Taxing authority" or "bond issuing authority" means, in 229
 the case of any county, the board of county commissioners; in the 230
 case of a municipal corporation, the council or other legislative 231
 authority of the municipal corporation; in the case of a city, 232
 local, exempted village, cooperative education, or joint 233

vocational school district, the board of education; in the case of 234
a community college district, the board of trustees of the 235
district; in the case of a technical college district, the board 236
of trustees of the district; in the case of a detention facility 237
district, a district organized under section 2151.65 of the 238
Revised Code, or a combined district organized under sections 239
2152.41 and 2151.65 of the Revised Code, the joint board of county 240
commissioners of the district; in the case of a township, the 241
board of township trustees; in the case of a joint police 242
district, the joint police district board; in the case of a joint 243
fire district, the board of fire district trustees; in the case of 244
a joint recreation district, the joint recreation district board 245
of trustees; in the case of a joint-county alcohol, drug 246
addiction, and mental health service district, the district's 247
board of alcohol, drug addiction, and mental health services; in 248
the case of a joint ambulance district or a fire and ambulance 249
district, the board of trustees of the district; in the case of a 250
union cemetery district, the legislative authority of the 251
municipal corporation and the board of township trustees, acting 252
jointly as described in section 759.341 of the Revised Code; in 253
the case of a drainage improvement district, the board of county 254
commissioners of the county in which the drainage district is 255
located; in the case of a lake facilities authority, the board of 256
directors; in the case of a joint emergency medical services 257
district, the joint board of county commissioners of all counties 258
in which all or any part of the district lies; and in the case of 259
a township police district, a township fire district, a township 260
road district, or a township waste disposal district, the board of 261
township trustees of the township in which the district is 262
located. "Taxing authority" also means the educational service 263
center governing board that serves as the taxing authority of a 264

county school financing district as provided in section 3311.50 of 265
the Revised Code, ~~and~~ the board of directors of a regional student 266
education district created under section 3313.83 of the Revised 267
Code, and the board of directors of a career-technical cooperative 268
education district created under section 3313.831 of the Revised 269
Code. 270

(D) "Fiscal officer" in the case of a county, means the 271
county auditor; in the case of a municipal corporation, the city 272
auditor or village clerk, or an officer who, by virtue of the 273
charter, has the duties and functions of the city auditor or 274
village clerk, except that in the case of a municipal university 275
the board of directors of which have assumed, in the manner 276
provided by law, the custody and control of the funds of the 277
university, the chief accounting officer of the university shall 278
perform, with respect to the funds, the duties vested in the 279
fiscal officer of the subdivision by sections 5705.41 and 5705.44 280
of the Revised Code; in the case of a school district, the 281
treasurer of the board of education; in the case of a county 282
school financing district, the treasurer of the educational 283
service center governing board that serves as the taxing 284
authority; in the case of a township, the township fiscal officer; 285
in the case of a joint police district, the treasurer of the 286
district; in the case of a joint fire district, the clerk of the 287
board of fire district trustees; in the case of a joint ambulance 288
district, the clerk of the board of trustees of the district; in 289
the case of a joint emergency medical services district, the 290
person appointed as fiscal officer pursuant to division (D) of 291
section 307.053 of the Revised Code; in the case of a fire and 292
ambulance district, the person appointed as fiscal officer 293
pursuant to division (B) of section 505.375 of the Revised Code; 294
in the case of a joint recreation district, the person designated 295

pursuant to section 755.15 of the Revised Code; in the case of a union cemetery district, the clerk of the municipal corporation designated in section 759.34 of the Revised Code; in the case of a children's home district, educational service center, general health district, joint-county alcohol, drug addiction, and mental health service district, county library district, detention facility district, district organized under section 2151.65 of the Revised Code, a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, or a metropolitan park district for which no treasurer has been appointed pursuant to section 1545.07 of the Revised Code, the county auditor of the county designated by law to act as the auditor of the district; in the case of a metropolitan park district which has appointed a treasurer pursuant to section 1545.07 of the Revised Code, that treasurer; in the case of a drainage improvement district, the auditor of the county in which the drainage improvement district is located; in the case of a lake facilities authority, the fiscal officer designated under section 353.02 of the Revised Code; in the case of a regional student education district, the fiscal officer appointed pursuant to section 3313.83 of the Revised Code; in the case of a career-technical cooperative education district, the fiscal officer appointed pursuant to section 3313.831 of the Revised Code; and in all other cases, the officer responsible for keeping the appropriation accounts and drawing warrants for the expenditure of the moneys of the district or taxing unit.

(E) "Permanent improvement" or "improvement" means any property, asset, or improvement with an estimated life or usefulness of five years or more, including land and interests therein, and reconstructions, enlargements, and extensions thereof having an estimated life or usefulness of five years or more.

(F) "Current operating expenses" and "current expenses" mean

the lawful expenditures of a subdivision, except those for 327
 permanent improvements, and except payments for interest, sinking 328
 fund, and retirement of bonds, notes, and certificates of 329
 indebtedness of the subdivision. 330

(G) "Debt charges" means interest, sinking fund, and 331
 retirement charges on bonds, notes, or certificates of 332
 indebtedness. 333

(H) "Taxing unit" means any subdivision or other governmental 334
 district having authority to levy taxes on the property in the 335
 district or issue bonds that constitute a charge against the 336
 property of the district, including conservancy districts, 337
 metropolitan park districts, sanitary districts, road districts, 338
 and other districts. 339

(I) "District authority" means any board of directors, 340
 trustees, commissioners, or other officers controlling a district 341
 institution or activity that derives its income or funds from two 342
 or more subdivisions, such as the educational service center, the 343
 trustees of district children's homes, the district board of 344
 health, a joint-county alcohol, drug addiction, and mental health 345
 service district's board of alcohol, drug addiction, and mental 346
 health services, detention facility districts, a joint recreation 347
 district board of trustees, districts organized under section 348
 2151.65 of the Revised Code, combined districts organized under 349
 sections 2152.41 and 2151.65 of the Revised Code, and other such 350
 boards. 351

(J) "Tax list" and "tax duplicate" mean the general tax lists 352
 and duplicates prescribed by sections 319.28 and 319.29 of the 353
 Revised Code. 354

(K) "Property" as applied to a tax levy means taxable 355
 property listed on general tax lists and duplicates. 356

(L) "Association library district" means a territory, the boundaries of which are defined by the state library board pursuant to division (I) of section 3375.01 of the Revised Code, in which a library association or private corporation maintains a free public library.

(M) "Library district" means a territory, the boundaries of which are defined by the state library board pursuant to section 3375.01 of the Revised Code, in which the board of trustees of a county, municipal corporation, school district, or township public library maintains a free public library.

(N) "Qualifying library levy" means either of the following:

(1) A levy for the support of a library association or private corporation that has an association library district with boundaries that are not identical to those of a subdivision;

(2) A levy proposed under section 5705.23 of the Revised Code for the support of the board of trustees of a public library that has a library district with boundaries that are not identical to those of a subdivision.

(O) "School library district" means a school district in which a free public library has been established that is under the control and management of a board of library trustees as provided in section 3375.15 of the Revised Code.

(P) "The county auditor's appraised value" means the true value in money of real property.

(Q) "Estimated effective rate" means the quotient obtained by dividing (1) an estimate of the taxes that will be charged and payable in a year against real property classified as residential or agricultural under section 5713.041 of the Revised Code from either (a) a levy that is a renewal, increase, or decrease of an

existing levy or (b) an existing levy that is extended to	386
additional territory, assuming that the additional territory has	387
been added to the subdivision, by (2) an estimate of the total	388
taxable value of that class of property for that year.	389

Sec. 5705.2114. (A) If the board of directors of a 390
career-technical cooperative education district created under 391
section 3313.831 of the Revised Code desires to levy a tax in 392
excess of the ten-mill limitation throughout the district for the 393
purpose of funding the services to be provided by the district to 394
students enrolled in the school districts of which the district is 395
composed, the board shall propose the levy to each of the boards 396
of education of those school districts. The proposal shall specify 397
the rate or amount of the tax, the number of years the tax will be 398
levied or that it will be levied for a continuing period of time, 399
and that the aggregate rate of the tax shall not exceed three 400
mills per dollar of taxable value in the career-technical 401
cooperative education district. 402

(B)(1) If a majority of the boards of education of the school 403
districts of which the career-technical cooperative education 404
district is composed approves the proposal for the tax levy, the 405
board of directors of the career-technical cooperative education 406
district may adopt a resolution approved by a majority of the 407
board's full membership declaring the necessity of levying the 408
proposed tax in excess of the ten-mill limitation throughout the 409
district for the purpose of funding the services to be provided by 410
the district to students enrolled in the school districts of which 411
the district is composed. The resolution shall provide for the 412
question of the tax to be submitted to the electors of the 413
district at a general, primary, or special election on a day to be 414
specified in the resolution that is consistent with the 415
requirements of section 3501.01 of the Revised Code and that 416
occurs at least ninety days after the resolution is certified to 417
the board of elections. The resolution shall specify the rate or 418
amount of the tax and the number of years the tax will be levied 419

or that the tax will be levied for a continuing period of time. 420
The aggregate rate of tax levied by a career-technical cooperative 421
education district under this section at any time shall not exceed 422
three mills per dollar of taxable value in the district. A tax 423
levied under this section may be renewed, subject to section 424
5705.25 of the Revised Code. 425

(2) The resolution shall take effect immediately upon 426
passage, and no publication of the resolution is necessary other 427
than that provided in the notice of election. The resolution shall 428
be certified and submitted in the manner provided under section 429
5705.25 of the Revised Code, and that section governs the 430
arrangements governing submission of the question and other 431
matters concerning the election." 432

In line 108892, after "5703.77," insert "5705.01," 433

The motion was _____ agreed to.

SYNOPSIS

Career-technical cooperative education districts 434

R.C. 3313.831, 5705.2114, and 5705.01 435

Permits two or more city, local, or exempted village school 436
 districts to enter into an agreement creating a career-technical 437
 cooperative education district for the purposes of funding the 438
 career-technical education of students enrolled in those school 439
 districts in grades seven through twelve. 440

Requires services funded by the education district to be 441
 available to students enrolled in each member district. 442

Permits the agreement to be amended pursuant to the terms and 443
procedures mutually agreed to by the member districts. 444

Requires an education district to be governed by a board of 445
directors composed of the superintendents of member districts, who 446
are prohibited from receiving compensation, but may receive 447
reimbursement from the education district's special fund for 448
reasonable and necessary expenses they incur while performing 449
their duties for the district. 450

Requires the education district's agreement to provide for 451
the organization, terms of office, and frequency of meetings for 452
the board of directors and the permanent location of the board's 453
offices and meeting place. 454

Specifies that the board of directors is: 455

(1) A body corporate and politic that is capable of suing and 456
being sued, contracting within prescribed limits, and accepting 457
gifts, donations, bequests, and other grants of money; and 458

(2) A public body that is subject to the open meetings law. 459

Specifies the education district is a public office, its 460
directors are public officials, and that both are subject to the 461
public records law. 462

Requires the board of directors to provide for the hiring of 463
employees and to contract with one or more entities, including a 464
school district that is a party to the agreement, an educational 465
service center, or a state institution of higher education to 466
provide career-technical education services. 467

Requires the education district's agreement to: 468

- Provide for which services will be provided by employees of 469
member districts and which services will be provided by the 470

career-technical cooperative education; 471

- Include a statement of how transportation of students to 472
and from school will be provided in the career-technical 473
cooperative education district that includes at least both of the 474
following: 475

(a) How special education students will be transported as 476
required by their Individualized Education Plan (IEP); and 477

(b) Whether transportation to and from school will be 478
provided to any other students of the career-technical cooperative 479
education district, and, if so, the manner in which this 480
transportation will be provided. 481

Authorizes the newly created education districts to levy 482
property taxes in the district of up to 3 mills. 483

Requires the board of directors to provide for the creation 484
of a special fund to hold the proceeds of any property tax levy 485
and any gifts, donations, bequests, or other grants of money. 486

Requires the education district agreement to provide for the 487
manner of appointing a fiscal officer for the education district 488
and specify other information regarding the officer. 489

Requires the prosecuting attorney of the most populous county 490
containing a member district to be the legal advisor of the board 491
of directors and to perform other prescribed legal duties 492
regarding the education district. 493

Requires a board of directors to procure liability insurance 494
policies that meet prescribed requirements to insure the board, 495
its fiscal officer, and its legal representative. 496

Permits a school district that has the majority of its 497
territory in the county to join an existing education district. 498

Permits a member district to withdraw from an education district.	499
	500
Requires an education district agreement to provide for the manner of the district's dissolution.	501
	502
Specifies that an education district is not a joint vocational school district, but requires it to be considered a compact career-technical education provider for the purposes of state education law.	503
	504
	505
	506
Requires the Department of Education and Workforce to compute and make payments directly to an education district in the same manner as funds calculated for a lead district of a career-technical planning district under continuing law.	507
	508
	509
	510
Permits an education district agreement to specify how member districts contribute funding to the education district.	511
	512
Specifies that the career-technical cooperative education district is the lead district to provide primary career-technical education leadership within the member districts.	513
	514
	515
Requires the Department to create an internal retrieval number (IRN) for each career-technical cooperative education district once established.	516
	517
	518

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 601 of the title, after "213.10," insert "215.15," 1

In line 234299, after "213.10," insert "215.15," 2

After line 234371, insert: 3

"**Sec. 215.15.** AGRICULTURAL SOCIETY FACILITIES 4

The foregoing appropriation item C70022, Agricultural Society 5
Facilities, shall be used to support the projects listed in this 6
section. 7

Project List 8

Butler County Fairgrounds Grandstands \$750,000 9

Henry County Community Event Center \$500,000 10

Knox County Fairgrounds ~~Expo Center~~ Capital \$500,000 11

Projects

Mahoning County Agricultural Society: Canfield \$500,000 12

Fair

Feichtner Family Memorial Barn \$450,000 13

Fairgrounds Multipurpose Facility - Warren County \$400,000 14

Montgomery County Fairgrounds Improvements \$400,000 15

Belmont Agricultural Center \$375,000 16

Allen County Fair Youth Show Arena \$310,000 17

Gallia County Fairground Relocation \$300,000 18

Guernsey Barn and Show Arena	\$300,000	19
Perry County Agriculture Society Multi-Purpose Building	\$300,000	20
Union County Fairgrounds	\$290,000	21
Adams County Junior Fair Small Animal Facility	\$250,000	22
Geauga County Fairgrounds Multipurpose Event Center	\$250,000	23
Summit County Fairgrounds Improvements	\$250,000	24
Harrison County Agricultural Society Horse Barn	\$200,000	25
Richland County Agricultural Society Show Arena	\$200,000	26
Brown County Junior Fair Horse Arena	\$150,000	27
Columbiana County Junior Fair Agriculture and Event Center	\$100,000	28
Scioto County Agriculture Society Improvements	\$100,000	29
Richwood Fairgrounds Restrooms	\$95,000	30
Highland County Agricultural Extension Relocation	\$75,000	31
Allen County Fair Multi-purpose Storage Building	\$60,000	32
Ashton Event Center	\$60,000	33
Auglaize County Fairgrounds: Piehl Family Parking Lot	\$50,000	34
Jackson County Fairgrounds Improvements-4H Building Project	\$40,000	35
Paulding County Fairgrounds Lighting	\$25,000	36
Trumbull County Agricultural and Family Education Center Repair	\$9,000"	37
In line 235013, after "213.10," insert "215.15,"		38

The motion was _____ agreed to.

SYNOPSIS

Agricultural Society Facilities	39
Sections 610.10 and 610.11	40
Amends Section 215.15 of H.B. 687 of the 134th General	41
Assembly to expand the use of \$500,000 in capital funding	42
allocated under ALI C70022, Agricultural Society Facilities, to be	43
used for Knox County Fairgrounds Capital Projects, rather than	44
just the Knox County Fairgrounds Expo Center.	45

_____ moved to amend as follows:

1 In line 618 of the title, after the semicolon insert "to
2 repeal Section 5 of S.B. 202 of the 134th General Assembly;"

3 In line 235021, delete "is" and insert "and Section 5 of
4 S.B. 202 of the 134th General Assembly are"

5 After line 235777, insert:

6 **"Section 755.____.** (A) The Director of Public Safety shall
7 collect and evaluate data regarding the current usage of bail in
8 this state.

9 (B) The Director shall develop a standardized questionnaire
10 form and provide the form to each county sheriff and to each
11 officer or other person in charge of the operation of a
12 multicounty correctional center, municipal-county correctional
13 center, or multicounty-municipal correctional center on or
14 before September 30, 2023. Each county sheriff or person in
15 charge of the operation of a multicounty correctional center,
16 municipal-county correctional center, or multicounty-municipal
17 correctional center shall fill out the form on a daily basis
18 beginning on October 1, 2023, and ending with data collected
19 November 30, 2023. Each county sheriff or person in charge shall

20 return the completed form to the Director on or before January
21 1, 2024. The form shall collect the following information:

22 (1) The total number of people currently housed in the
23 jail, multicounty correctional center, municipal-county
24 correctional center, or multicounty-municipal correctional
25 center;

26 (2) Of that total population, the total number of inmates
27 currently serving sentences, and the total number being held
28 pretrial;

29 (3) The total number of people being held on felony charges
30 pretrial, which shall be broken down by the level of the felony
31 charged and for what length of time;

32 (4) The total number of people being held on misdemeanor
33 charges pretrial, which shall be broken down by the level of the
34 misdemeanor charged and for what length of time.

35 (C) Not later than March 1, 2024, the Director shall
36 prepare and submit a report to the President of the Senate, the
37 Speaker of the House of Representatives, the Chairperson of the
38 House Criminal Justice Committee, and the Chairperson of the
39 Senate Judiciary Committee, including a copy of all of the forms
40 submitted under division (B) of this section and a summary of
41 that information."

42 The motion was _____ agreed to.

43

SYNOPSIS

44

Task Force on Bail

45

Sections 610.20 and 755.40

46

47

48

49

50

Eliminates the Task Force on Bail created in S.B. 202 of the 134th General Assembly and assigns the duties of the eliminated Task Force, to collect and evaluate data regarding the current usage of bail and to issue a report on the topic, to the Director of Public Safety.

51

52

53

Expands the data collection and evaluation to multicounty correctional centers, municipal-county correctional centers, and multicounty-municipal correctional centers.

Sub. H.B. 33
L-135-0001-5
EPACD15

_____ moved to amend as follows:

- In line 98 of the title, after "3733.471," insert "3734.01," 1
- In line 698, after "3733.471," insert "3734.01," 2
- After line 55300, insert: 3
- "Sec. 3734.01.** As used in this chapter: 4
- (A) "Board of health" means the board of health of a city or 5
general health district or the authority having the duties of a 6
board of health in any city as authorized by section 3709.05 of 7
the Revised Code. 8
- (B) "Director" means the director of environmental 9
protection. 10
- (C) "Health district" means a city or general health district 11
as created by or under authority of Chapter 3709. of the Revised 12
Code. 13
- (D) "Agency" means the environmental protection agency. 14
- (E) "Solid wastes" means such unwanted residual solid or 15
semisolid material as results from industrial, commercial, 16
agricultural, and community operations, excluding earth or 17
material from construction, mining, or demolition operations, or 18

19 other waste materials of the type that normally would be included
20 in demolition debris, nontoxic fly ash and bottom ash, including
21 at least ash that results from the combustion of coal and ash that
22 results from the combustion of coal in combination with scrap
23 tires where scrap tires comprise not more than fifty per cent of
24 heat input in any month, spent nontoxic foundry sand, nontoxic,
25 nonhazardous, unwanted fired and unfired, glazed and unglazed,
26 structural products made from shale and clay products, materials
27 converted into a feedstock that replaces a raw material in a
28 manufacturing process at an advanced recycling facility, materials
29 used as a legitimate fuel at an advanced recycling facility, and
30 slag and other substances that are not harmful or inimical to
31 public health, and includes, but is not limited to, garbage, scrap
32 tires, combustible and noncombustible material, street dirt, and
33 debris. "Solid wastes" does not include any material that is an
34 infectious waste or a hazardous waste.

35 (F) "Disposal" means the discharge, deposit, injection,
36 dumping, spilling, leaking, emitting, or placing of any solid
37 wastes or hazardous waste into or on any land or ground or surface
38 water or into the air, ~~except if the disposition or placement~~
39 ~~constitutes storage or treatment or, if the solid wastes consist~~
40 ~~of scrap tires, the disposition or placement constitutes a~~
41 ~~beneficial use or occurs at a scrap tire recovery facility~~
42 ~~licensed under section 3734.81 of the Revised Code. "Disposal"~~
43 When used in connection with solid waste, "disposal" does not
44 include the process of converting post use polymers and
45 recoverable feedstocks using gasification or pyrolysis any of the
46 following:

47 (1) A disposition or placement that constitutes legitimate
48 recycling;

(2) A disposition or placement that constitutes storage; 49

(3) A disposition or placement of scrap tires that 50
constitutes a beneficial use or that occurs at a scrap tire 51
recovery facility licensed under section 3734.81 of the Revised 52
Code; 53

(4) A disposition or placement of materials constituting a 54
beneficial use authorized by a beneficial use permit issued under 55
this chapter; 56

(5) Advanced recycling or the storage of post-use polymers 57
and recovered feedstocks prior to conversion through advanced 58
recycling. 59

(G) "Person" includes the state, any political subdivision 60
and other state or local body, the United States and any agency or 61
instrumentality thereof, and any legal entity defined as a person 62
under section 1.59 of the Revised Code. 63

(H) "Open burning" means the burning of solid wastes in an 64
open area or burning of solid wastes in a type of chamber or 65
vessel that is not approved or authorized in rules adopted by the 66
director under section 3734.02 of the Revised Code or, if the 67
solid wastes consist of scrap tires, in rules adopted under 68
division (V) of this section or section 3734.73 of the Revised 69
Code, or the burning of treated or untreated infectious wastes in 70
an open area or in a type of chamber or vessel that is not 71
approved in rules adopted by the director under section 3734.021 72
of the Revised Code. 73

(I) "Open dumping" means ~~the~~ any of the following: 74

(1) The depositing of solid wastes into a body or stream of 75
water or onto the surface of the ground at a site that is not 76
licensed any of the following: 77

(a) Licensed as a solid waste facility under section 3734.05 78
of the Revised Code ~~or, if;~~ 79

(b) A legitimate recycling facility; 80

(c) An advanced recycling facility; 81

(d) If the solid wastes consist of scrap tires, licensed as a 82
scrap tire collection, storage, monocell, monofill, or recovery 83
facility under section 3734.81 of the Revised Code; ~~the.~~ 84

(2) The depositing of solid wastes that consist of scrap 85
tires onto the surface of the ground at a site or in a manner not 86
specifically identified in divisions (C)(2) to (5), (7), or (10) 87
of section 3734.85 of the Revised Code; ~~the~~ 88

(3) The depositing of untreated infectious wastes into a body 89
or stream of water or onto the surface of the ground; or the 90
depositing of treated infectious wastes into a body or stream of 91
water or onto the surface of the ground at a site that is not 92
licensed as a solid waste facility under section 3734.05 of the 93
Revised Code; 94

(4) The disposal of scrap tires in a trailer, vehicle, or 95
building that is not licensed as a scrap tire collection, storage, 96
monocell, monofill, or recovery facility. 97

(J) "Hazardous waste" means any waste or combination of 98
wastes in solid, liquid, semisolid, or contained gaseous form that 99
in the determination of the director, because of its quantity, 100
concentration, or physical or chemical characteristics, may do 101
either of the following: 102

(1) Cause or significantly contribute to an increase in 103
mortality or an increase in serious irreversible or incapacitating 104
reversible illness; 105

(2) Pose a substantial present or potential hazard to human health or safety or to the environment when improperly stored, treated, transported, disposed of, or otherwise managed.

"Hazardous waste" includes any substance identified by regulation as hazardous waste under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, and does not include any substance that is subject to the "Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as amended.

(K) "Treat" or "treatment," when used in connection with hazardous waste, means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize the waste; recover energy or material resources from the waste; render the waste nonhazardous or less hazardous, safer to transport, store, or dispose of, or amenable for recovery or storage; or reduce the volume of the waste. When used in connection with infectious wastes, "treat" or "treatment" means any method, technique, or process that renders the wastes noninfectious so that it is no longer an infectious waste and is no longer an infectious substance as defined in applicable federal law, including, without limitation, steam sterilization and incineration, and, in the instance of wastes identified in division (R)(7) of this section, to substantially reduce or eliminate the potential for the wastes to cause lacerations or puncture wounds.

(L) "Manifest" means the form used for identifying the quantity, composition, origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of disposal, treatment, or storage.

(M)(1) When used in connection with hazardous waste, 136
 "storage" means the holding of hazardous waste for a temporary 137
 period in such a manner that it remains retrievable and 138
 substantially unchanged physically and chemically and, at the end 139
 of the period, is treated; disposed of; stored elsewhere; or 140
 reused, recycled, or reclaimed in a beneficial manner; 141

(2) When used in connection with legitimate recycling of 142
solid waste other than scrap tires, "storage" means the placement 143
of solid waste on the ground prior to legitimate recycling for a 144
period of less than ninety days provided all the following apply: 145

(a) The solid waste remains retrievable and substantially 146
unchanged. 147

(b) The solid waste does not cause a nuisance. 148

(c) The storage of solid waste occurs at a legitimate 149
recycling facility. 150

(d) The storage of solid waste does not pose a threat from 151
vectors. 152

(e) The storage of solid waste does not adversely impact 153
public health, safety, or the environment. 154

(f) Prior to the end of the storage period of less than 155
ninety days, the solid waste is lawfully disposed, beneficially 156
used, or recycled in accordance with this chapter and rules 157
adopted under it. 158

(3) When used in connection with scrap tires, "storage" means 159
 the holding of scrap tires for a temporary period in such a manner 160
 that they remain retrievable and, at the end of that period, are 161
 beneficially used; stored elsewhere; placed in a scrap tire 162
 monocell or monofill facility licensed under section 3734.81 of 163
 the Revised Code; processed at a scrap tire recovery facility 164

licensed under that section or a solid waste incineration or 165
 energy recovery facility subject to regulation under this chapter; 166
 or transported to a scrap tire monocell, monofill, or recovery 167
 facility, any other solid waste facility authorized to dispose of 168
 scrap tires, or a facility that will beneficially use the scrap 169
 tires, that is located in another state and is operating in 170
 compliance with the laws of the state in which the facility is 171
 located; 172

~~(3) When used in connection with recoverable feedstocks or 173
 post-use polymers, "storage" means holding recoverable feedstocks 174
 or post-use polymers for a period of less than ninety days, 175
 provided all of the following apply: 176~~

~~(a) The recoverable feedstocks or post-use polymers remain 177
 retrievable and substantially unchanged physically and chemically; 178~~

~~(b) The storage of recoverable feedstocks or post-use 179
 polymers does not cause a nuisance; 180~~

~~(c) The storage of recoverable feedstocks or post-use 181
 polymers does not pose a threat from vectors; 182~~

~~(d) The storage of recoverable feedstocks or post-use 183
 polymers does not adversely impact public health, safety, or the 184
 environment; 185~~

~~(e) Prior to the end of the storage period of less than 186
 ninety days, the recoverable feedstocks or post-use polymers are 187
 converted using gasification or pyrolysis. 188~~

(N) "Facility" means any site, location, tract of land, 189
 installation, or building used for incineration, composting, 190
 sanitary landfilling, or other methods of disposal of solid wastes 191
 or, if the solid wastes consist of scrap tires, for the 192
 collection, storage, or processing of the solid wastes; for the 193

transfer of solid wastes; for the treatment of infectious wastes; 194
or for the storage, treatment, or disposal of hazardous waste. 195

(O) "Closure" means the time at which a hazardous waste 196
facility will no longer accept hazardous waste for treatment, 197
storage, or disposal, the time at which a solid waste facility 198
will no longer accept solid wastes for transfer or disposal or, if 199
the solid wastes consist of scrap tires, for storage or 200
processing, or the effective date of an order revoking the permit 201
for a hazardous waste facility or the registration certificate, 202
permit, or license for a solid waste facility, as applicable. 203
"Closure" includes measures performed to protect public health or 204
safety, to prevent air or water pollution, or to make the facility 205
suitable for other uses, if any, including, but not limited to, 206
the removal of processing residues resulting from solid wastes 207
that consist of scrap tires; the establishment and maintenance of 208
a suitable cover of soil and vegetation over cells in which 209
hazardous waste or solid wastes are buried; minimization of 210
erosion, the infiltration of surface water into such cells, the 211
production of leachate, and the accumulation and runoff of 212
contaminated surface water; the final construction of facilities 213
for the collection and treatment of leachate and contaminated 214
surface water runoff, except as otherwise provided in this 215
division; the final construction of air and water quality 216
monitoring facilities, except as otherwise provided in this 217
division; the final construction of methane gas extraction and 218
treatment systems; or the removal and proper disposal of hazardous 219
waste or solid wastes from a facility when necessary to protect 220
public health or safety or to abate or prevent air or water 221
pollution. With regard to a solid waste facility that is a scrap 222
tire facility, "closure" includes the final construction of 223
facilities for the collection and treatment of leachate and 224

contaminated surface water runoff and the final construction of 225
air and water quality monitoring facilities only if those actions 226
are determined to be necessary. 227

(P) "Premises" means either of the following: 228

(1) Geographically contiguous property owned by a generator; 229

(2) Noncontiguous property that is owned by a generator and 230
connected by a right-of-way that the generator controls and to 231
which the public does not have access. Two or more pieces of 232
property that are geographically contiguous and divided by public 233
or private right-of-way or rights-of-way are a single premises. 234

(Q) "Post-closure" means that period of time following 235
closure during which a hazardous waste facility is required to be 236
monitored and maintained under this chapter and rules adopted 237
under it, including, without limitation, operation and maintenance 238
of methane gas extraction and treatment systems, or the period of 239
time after closure during which a scrap tire monocell or monofill 240
facility licensed under section 3734.81 of the Revised Code is 241
required to be monitored and maintained under this chapter and 242
rules adopted under it. 243

(R) "Infectious wastes" means any wastes or combination of 244
wastes that include cultures and stocks of infectious agents and 245
associated biologicals, human blood and blood products, and 246
substances that were or are likely to have been exposed to or 247
contaminated with or are likely to transmit an infectious agent or 248
zoonotic agent, including all of the following: 249

(1) Laboratory wastes; 250

(2) Pathological wastes; 251

(3) Animal blood and blood products; 252

(4) Animal carcasses and parts;	253
(5) Waste materials from the rooms of humans, or the enclosures of animals, that have been isolated because of diagnosed communicable disease that are likely to transmit infectious agents. Such waste materials from the rooms of humans do not include any wastes of patients who have been placed on blood and body fluid precautions under the universal precaution system established by the centers for disease control in the public health service of the United States department of health and human services, except to the extent specific wastes generated under the universal precautions system have been identified as infectious wastes by rules adopted under division (R)(7) of this section.	254 255 256 257 258 259 260 261 262 263 264 265
(6) Sharp wastes used in the treatment, diagnosis, or inoculation of human beings or animals;	266 267
(7) Any other waste materials generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, that the director of health, by rules adopted in accordance with Chapter 119. of the Revised Code, identifies as infectious wastes after determining that the wastes present a substantial threat to human health when improperly managed because they are contaminated with, or are likely to be contaminated with, infectious agents.	268 269 270 271 272 273 274 275 276
As used in this division, "blood products" does not include patient care waste such as bandages or disposable gowns that are lightly soiled with blood or other body fluids unless those wastes are soiled to the extent that the generator of the wastes determines that they should be managed as infectious wastes.	277 278 279 280 281
(S) "Infectious agent" means a type of microorganism,	282

pathogen, virus, or proteinaceous infectious particle that can 283
 cause or significantly contribute to disease in or death of human 284
 beings. 285

(T) "Zoonotic agent" means a type of microorganism, pathogen, 286
 or virus that causes disease in vertebrate animals, is 287
 transmissible to human beings, and can cause or significantly 288
 contribute to disease in or death of human beings. 289

(U) "Solid waste transfer facility" means any site, location, 290
 tract of land, installation, or building that is used or intended 291
 to be used primarily for the purpose of transferring solid wastes 292
 that were generated off the premises of the facility from vehicles 293
 or containers into other vehicles for transportation to a solid 294
 waste disposal facility. "Solid waste transfer facility" does not 295
 include an advanced recycling facility, a legitimate recycling 296
facility, or any facility that consists solely of portable 297
 containers that have an aggregate volume of fifty cubic yards or 298
 less ~~nor any facility where legitimate recycling activities are~~ 299
~~conducted.~~ 300

(V) "Beneficially use" includes: 301

(1) With regard to scrap tires, to use a scrap tire in a 302
 manner that results in a commodity for sale or exchange or in any 303
 other manner authorized as a beneficial use in rules adopted by 304
 the director in accordance with Chapter 119. of the Revised Code; 305

(2) With regard to material from a horizontal well that has 306
 come in contact with a refined oil-based substance and that is not 307
 technologically enhanced naturally occurring radioactive material, 308
 to use the material in any manner authorized as a beneficial use 309
 in rules adopted by the director under section 3734.125 of the 310
 Revised Code. 311

(W) "Commercial car," "commercial tractor," "farm machinery," "motor bus," "vehicles," "motor vehicle," and "semitrailer" have the same meanings as in section 4501.01 of the Revised Code.

(X) "Construction equipment" means road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work, or in mining or producing or processing aggregates, and not designed for or used in general highway transportation.

(Y) "Motor vehicle salvage dealer" has the same meaning as in section 4738.01 of the Revised Code.

(Z) "Scrap tire" means an unwanted or discarded tire.

(AA) "Scrap tire collection facility" means any facility that meets all of the following qualifications:

(1) The facility is used for the receipt and storage of whole scrap tires from the public prior to their transportation to a scrap tire storage, monocell, monofill, or recovery facility licensed under section 3734.81 of the Revised Code; a solid waste incineration or energy recovery facility subject to regulation under this chapter; a premises within the state where the scrap tires will be beneficially used; or a scrap tire storage, monocell, monofill, or recovery facility, any other solid waste disposal facility authorized to dispose of scrap tires, or a facility that will beneficially use the scrap tires, that is located in another state, and that is operating in compliance with the laws of the state in which the facility is located.

(2) The facility exclusively stores scrap tires in portable containers.

(3) The aggregate storage of the portable containers in which the scrap tires are stored does not exceed five thousand cubic

feet. 341

(BB) "Scrap tire monocell facility" means an individual site 342
within a solid waste landfill that is used exclusively for the 343
environmentally sound storage or disposal of whole scrap tires or 344
scrap tires that have been shredded, chipped, or otherwise 345
mechanically processed. 346

(CC) "Scrap tire monofill facility" means an engineered 347
facility used or intended to be used exclusively for the storage 348
or disposal of scrap tires, including at least facilities for the 349
submergence of whole scrap tires in a body of water. 350

(DD) "Scrap tire recovery facility" means any facility, or 351
portion thereof, for the processing of scrap tires for the purpose 352
of extracting or producing usable products, materials, or energy 353
from the scrap tires through a controlled combustion process, 354
mechanical process, or chemical process. "Scrap tire recovery 355
facility" includes any facility that uses the controlled 356
combustion of scrap tires in a manufacturing process to produce 357
process heat or steam or any facility that produces usable heat or 358
electric power through the controlled combustion of scrap tires in 359
combination with another fuel, but does not include any solid 360
waste incineration or energy recovery facility that is designed, 361
constructed, and used for the primary purpose of incinerating 362
mixed municipal solid wastes and that burns scrap tires in 363
conjunction with mixed municipal solid wastes, or any tire 364
retreading business, tire manufacturing finishing center, or tire 365
adjustment center having on the premises of the business a single, 366
covered scrap tire storage area at which not more than four 367
thousand scrap tires are stored. 368

(EE) "Scrap tire storage facility" means any facility where 369
whole scrap tires are stored prior to their transportation to a 370

scrap tire monocell, monofill, or recovery facility licensed under 371
 section 3734.81 of the Revised Code; a solid waste incineration or 372
 energy recovery facility subject to regulation under this chapter; 373
 a premises within the state where the scrap tires will be 374
 beneficially used; or a scrap tire storage, monocell, monofill, or 375
 recovery facility, any other solid waste disposal facility 376
 authorized to dispose of scrap tires, or a facility that will 377
 beneficially use the scrap tires, that is located in another 378
 state, and that is operating in compliance with the laws of the 379
 state in which the facility is located. 380

(FF) "Used oil" means any oil that has been refined from 381
 crude oil, or any synthetic oil, that has been used and, as a 382
 result of that use, is contaminated by physical or chemical 383
 impurities. "Used oil" includes only those substances identified 384
 as used oil by the United States environmental protection agency 385
 under the "Used Oil Recycling Act of 1980," 94 Stat. 2055, 42 386
 U.S.C.A. 6901a, as amended. 387

(GG) "Accumulated speculatively" has the same meaning as in 388
 rules adopted by the director under section 3734.12 of the Revised 389
 Code. 390

(HH) "Horizontal well" has the same meaning as in section 391
 1509.01 of the Revised Code. 392

(II) "Technologically enhanced naturally occurring 393
 radioactive material" has the same meaning as in section 3748.01 394
 of the Revised Code. 395

(JJ) "Post-use polymer" means a plastic ~~polymer~~ to which ~~both~~ 396
all of the following apply: 397

(1) It is derived from any ~~source and is not being used for~~ 398
~~its original intended purpose~~ industrial, commercial, 399

agricultural, or domestic activities, and includes pre-consumer 400
recovered materials and post-consumer materials. 401

(2) Its use or intended use is ~~to manufacture crude oil,~~ 402
~~fuels, other~~ as feedstock for the manufacturing of feedstocks, raw 403
 materials, other intermediate products, or final products using 404
~~pyrolysis or gasification~~ advanced recycling. 405

"~~Post-use polymer~~" (3) It has been sorted from solid waste 406
and other regulated waste, but may contain incidental contaminants 407
 or impurities, such as paper labels or metal rings. 408

(4) It is not mixed with solid waste or hazardous waste 409
onsite or during processing at the advanced recycling facility. 410

(5) It is processed at an advanced recycling facility or held 411
at such facility prior to processing; 412

(6) It is not accumulated speculatively. 413

(KK) "Pyrolysis" means a manufacturing process through which 414
 post-use polymers or recovered feedstocks are heated in the 415
 absence of oxygen until melted and thermally decomposed, either 416
noncatalytically or catalytically, and are then cooled, condensed, 417
 and converted ~~to one of the following:~~ 418

~~(1) Crude oil, diesel, gasoline, home heating oil, or another~~ 419
~~fuel;~~ 420

~~(2) Feedstocks;~~ 421

~~(3) Diesel and gasoline blendstocks;~~ 422

~~(4) Chemicals, waxes, or lubricants;~~ 423

~~(5) Other~~ into valuable raw materials, intermediate products, 424
~~or~~ final products, including plastic monomers, chemicals, naphtha, 425
waxes, or plastic and chemical feedstocks that are returned to 426
economic utility in the form of raw materials and products. 427

(LL) "Gasification" means a manufacturing process through 428
which ~~recoverable~~ post-use polymers or recovered feedstocks are 429
heated ~~and converted into a fuel gas mixture~~ in an 430
~~oxygen deficient~~ oxygen-controlled atmosphere, ~~and the mixture is~~ 431
converted into ~~fuel, including ethanol and transportation fuel,~~ 432
syngas, followed by conversion into valuable raw, intermediate, 433
and final products, including plastic monomers, chemicals, ~~or~~ 434
~~ether~~ waxes, lubricants, coatings, and plastic and chemical 435
feedstocks that are returned to economic utility in the form of 436
raw materials or products. 437

(MM) "~~Recoverable~~ Recovered feedstock" means one or more of 438
the following materials, ~~derived from nonrecycled waste,~~ that have 439
not been mixed with solid waste or hazardous waste on-site or 440
during processing at an advanced recycling facility and have been 441
processed for use as a feedstock in ~~a gasification~~ an advanced 442
recycling facility: 443

(1) Post-use polymers; 444

(2) Materials for which the United States environmental 445
protection agency has made a non-waste determination ~~under 40~~ 446
~~C.F.R. 241.3(e)~~ or has otherwise determined are feedstocks and are 447
not solid waste. 448

"Recovered feedstock" does not include unprocessed municipal 449
solid waste and is not accumulated speculatively. 450

(NN) "Advanced recycling" means a manufacturing process for 451
the conversion of post-use polymers and recovered feedstocks into 452
basic raw materials, feedstocks, chemicals, and other recycled 453
products through processes that include pyrolysis, gasification, 454
depolymerization, catalytic cracking, reforming, hydrogenation, 455
solvolysis, chemolysis, and other similar technologies. "Advanced 456
recycling" does not include incineration of plastics or 457

waste-to-energy processes. "Advanced recycling" is "recycling" as defined in section 3736.01 of the Revised Code. 458
459

(OO) "Recycled products" include products produced at advanced recycling facilities including, monomers, oligomers, recycled plastics, plastic and chemical feedstocks, basic and unfinished chemicals, waxes, lubricants, coatings, and adhesives. "Recycled products" does not include products sold as fuel. 460
461
462
463
464

(PP) "Advanced recycling facility" means a manufacturing facility that stores and converts post-use polymers and recovered feedstocks it receives using advanced recycling and that is subject to applicable agency regulations for air, water, waste, and land use. An "advanced recycling facility" is not a solid waste facility, a solid waste disposal facility, a solid waste management facility, a solid waste processing facility, a legitimate recycling facility, a solid waste recovery facility, an incinerator, or a waste-to-energy facility. 465
466
467
468
469
470
471
472
473

(OO) "Depolymerization" means a manufacturing process where post-use polymers are broken into smaller molecules such as monomers and oligomers or raw, intermediate, or final products, plastics and chemical feedstocks, basic and unfinished chemicals, waxes, lubricants, and coatings. 474
475
476
477
478

(RR) "Mass balance attribution" means a chain of custody accounting methodology with rules defined by a third-party certification system that enables the attribution of the mass of advanced recycling feedstocks to one or more advanced recycling products. 479
480
481
482
483

(SS) "Recycled plastic" means products that are produced from either of the following: 484
485

(1) Mechanical recycling of pre-consumer recovered feedstocks 486

<u>or plastics, and post-consumer plastics;</u>	487
<u>(2) The advanced recycling of pre-consumer recovered</u>	488
<u>feedstocks or plastics, and post-consumer plastics via mass</u>	489
<u>balance attribution under a third party certification system.</u>	490
<u>(TT) "Solvolysis" means a manufacturing process to make</u>	491
<u>useful products through which post-use polymers are purified by</u>	492
<u>removing additives and contaminants with the aid of solvents and</u>	493
<u>are heated at low temperatures or pressurized. "Solvolysis"</u>	494
<u>includes hydrolysis, aminolysis, ammonolysis, methanolysis, and</u>	495
<u>glycolysis.</u>	496
<u>(UU) "Useful products" means products produced through</u>	497
<u>solvolysis, including monomers, intermediates, valuable chemicals,</u>	498
<u>plastics and chemical feedstocks, and raw materials.</u>	499
<u>(VV) "Third-party certification system" means an</u>	500
<u>international and multi-national third-party certification system</u>	501
<u>that consists of a set of rules for the implementation of mass</u>	502
<u>balance attribution approaches for advanced recycling of</u>	503
<u>materials. "Third-party certification system" includes</u>	504
<u>international sustainability and carbon certification, underwriter</u>	505
<u>laboratories, SCS recycled content, roundtable on sustainable</u>	506
<u>biomaterials, ecoloop, and REDcert2.</u>	507
<u>(WW) "Legitimate recycling facility" means any site,</u>	508
<u>location, tract of land, installation, or building to which all of</u>	509
<u>the following apply:</u>	510
<u>(1) It is used or intended to be used for the purpose of</u>	511
<u>processing, storing, or recycling solid waste that was generated</u>	512
<u>off the premises of the facility.</u>	513
<u>(2) Not less than sixty per cent of the weight of solid waste</u>	514
<u>received in any nine months during a rolling twelve-month period</u>	515

is recycled monthly as shown by records, including invoices and contracts, maintained by the owner or operator of the facility. 516
517

(3) Receipt, storage, and processing activities do not cause a nuisance, do not pose a threat from vectors, or do not adversely impact public health, safety, or the environment, or cause or contribute to air or water pollution. 518
519
520
521

(XX) "Legitimate recycling" means processing, storing, or recycling of solid waste and returning the material to commerce as a commodity for use in a beneficial manner, including as a raw ingredient in a manufacturing process or as a legitimate fuel that does not constitute disposal." 522
523
524
525
526

In line 108836, after "3733.471," insert "3734.01," 527

The motion was _____ agreed to.

SYNOPSIS

Advanced recycling 528

R.C. 3734.01 529

Adds provisions back into the bill that were originally added by the House, but taken out by the Senate Finance Committee that do all of the following: 530
531
532

1. Exempt advanced recycling conducted at an advanced recycling facility from regulation under the Solid Waste Law, rather than solely exempting the process of converting post-use polymers and recoverable feedstocks using gasification and pyrolysis as in current law; 533
534
535
536
537

2. Specify that "advanced recycling" generally means a 538

manufacturing process for the conversion of post-use polymers and	539
recovered feedstocks into basic raw materials, feedstocks,	540
chemicals, and other products;	541
3. Expand the processes by which post-use polymers and	542
recovered feedstocks may be converted to include depolymerization,	543
catalytic cracking, reforming, hydrogenation, solvolysis,	544
chemolysis, and other similar technologies;	545
4. Retain pyrolysis and gasification as mechanisms by which	546
post-use polymers and recovered feedstocks may be converted, but	547
alters the meaning of those terms;	548
5. Specify that an "advanced recycling facility" generally	549
means a manufacturing facility that stores and converts post-use	550
polymers and recovered feedstocks it receives using advanced	551
recycling; and	552
6. Make additional definitional changes necessary for the	553
expanded exemption established by the amendment.	554
Also adds the following to those provisions:	555
1. That the disposition or placement of legitimate recycling,	556
which is the processing, storing, or recycling of solid waste and	557
returning the material to commerce as a commodity for use in a	558
beneficial manner, is not considered solid waste disposal and	559
subject to disposal regulations.	560
2. That depositing of solid wastes at a legitimate recycling	561
facility or at an advanced recycling facility is not open dumping,	562
and thus not subject to open dumping penalties.	563
3. That disposing of scrap tires in a non-licensed building,	564
vehicle, or trailer is open dumping, and thus subject to open	565
dumping penalties.	566

Sub. H.B. 33
L-135-0001-5
TAXCD35 and TOSCD6

_____ moved to amend as follows:

In line 597 of the title, after the semicolon insert "to 1
amend sections 113.05, 113.11, 113.12, 113.40, 125.30, 126.06, 2
127.14, 129.06, 29.09, 131.01, 135.01, 135.02, 135.04, 135.05, 3
135.06, 135.08, 135.10, 135.12, 135.14, 135.142, 135.143, 135.15, 4
135.182, 135.31, 135.35, 135.45, 135.46, 135.47, 718.01, 1111.04, 5
1112.12, 1315.54, 1345.01, 1501.10, 1503.05, 1509.07, 1509.225, 6
1514.04, 1514.05, 1521.061, 1548.06, 1733.04, 1733.24, 1735.03, 7
2109.37, 2109.372, 2109.44, 3314.50, 3366.05, 3737.945, 3903.73, 8
3905.32, 3916.01, 3925.26, 4141.241, 4505.06, 4509.62, 4509.63, 9
4509.65, 4509.67, 4710.03, 4749.01, 4763.13, 5725.17, 5725.22, 10
5727.25, 5727.31, 5727.311, 5727.42, 5727.47, 5727.53, 5727.81, 11
5727.811, 5727.82, 5727.83, 5733.022, 5735.03, 5735.062, 5739.031, 12
5739.032, 5739.07, 5743.05, 5743.051, 5743.15, 5745.03, 5745.04, 13
5745.041, 5747.059, 5747.07, 5747.072, 5747.42, 5747.44, 5747.451, 14
and 5815.37; to enact new sections 135.61, 135.62, 135.63, 135.64, 15
135.65, 135.66, 135.70, and 135.71 and sections 113.22, 135.621, 16
135.622, 135.623, 135.624, 135.625, 135.701, 135.702, 135.703, 17
135.704, 135.705, 169.053, and 1501.04; and to repeal sections 18
113.061, 113.07, 129.02, 129.03, 129.08, 129.10, 129.11, 129.12, 19
129.13, 129.14, 129.15, 129.16, 129.18, 129.19, 129.20, 129.72, 20
129.73, 129.74, 129.75, 129.76, 135.101, 135.102, 135.103, 21

135.104, 135.105, 135.106, 135.61, 135.62, 135.63, 135.64, 135.65, 22
 135.66, 135.67, 135.68, 135.69, 135.70, 135.71, 135.72, 135.73, 23
 135.74, 135.75, 135.76, 135.77, 135.771, 135.772, 135.773, 24
 135.774, 135.78, 135.79, 135.791, 135.792, 135.793, 135.794, 25
 135.795, 135.796, 135.81, 135.82, 135.83, 135.84, 135.85, 135.86, 26
 135.87, 135.91, 135.92, 135.93, 135.94, 135.95, 135.96, 135.97, 27
 144.01, 144.02, 144.03, 144.04, 144.05, 144.06, and 144.07 of the 28
 Revised Code;" 29

After line 221206, insert: 30

"Section 130.____. That sections 113.05, 113.11, 113.12, 31
 113.40, 125.30, 126.06, 127.14, 129.06, 129.09, 131.01, 135.01, 32
 135.02, 135.04, 135.05, 135.06, 135.08, 135.10, 135.12, 135.14, 33
 135.142, 135.143, 135.15, 135.182, 135.31, 135.35, 135.45, 135.46, 34
 135.47, 718.01, 1111.04, 1112.12, 1315.54, 1345.01, 1501.10, 35
 1503.05, 1509.07, 1509.225, 1514.04, 1514.05, 1521.061, 1548.06, 36
 1733.04, 1733.24, 1735.03, 2109.37, 2109.372, 2109.44, 3314.50, 37
 3366.05, 3737.945, 3903.73, 3905.32, 3916.01, 3925.26, 4141.241, 38
 4505.06, 4509.62, 4509.63, 4509.65, 4509.67, 4710.03, 4749.01, 39
 4763.13, 5725.17, 5725.22, 5727.25, 5727.31, 5727.311, 5727.42, 40
 5727.47, 5727.53, 5727.81, 5727.811, 5727.82, 5727.83, 5733.022, 41
 5735.03, 5735.062, 5739.031, 5739.032, 5739.07, 5743.05, 5743.051, 42
 5743.15, 5745.03, 5745.04, 5745.041, 5747.059, 5747.07, 5747.072, 43
 5747.42, 5747.44, 5747.451, 5815.26, and 5815.37 be amended and 44
 new sections 135.61, 135.62, 135.63, 135.64, 135.65, 135.66, 45
 135.70, and 135.71 and sections 113.22, 135.621, 135.622, 135.623, 46
 135.624, 135.625, 135.701, 135.702, 135.703, 135.704, 135.705, 47
 169.053, and 1501.04 of the Revised Code be enacted to read as 48
 follows: 49

Sec. 113.05. (A) As used in sections 113.05 to 113.40 of the 50

Revised Code: 51

(1) "Account," "appropriation," "disbursement," "electronic funds transfer," "fund," and "warrant" have the same meanings as in section 131.01 of the Revised Code. 52
53
54

(2) "Assets" has the same meaning as in section 131.01 of the Revised Code, but does not include items held in safekeeping by the treasurer of state including, but not limited to, collateral pledged to a state agency. 55
56
57
58

(3) "Custodial funds" do not include items held in safekeeping by the treasurer of state including, but not limited to, collateral pledged to a state agency. 59
60
61

(B) The state treasury consists of the moneys, claims, bonds, notes, other obligations, stocks, and other securities, receipts or other evidences of ownership, and other intangible assets of the state that are required by law to be deposited in the state treasury or are otherwise a part of the state treasury. All assets of the state treasury shall be kept in the rooms assigned the treasurer of state, with the vaults, safes, and other appliances therein; provided, that: 62
63
64
65
66
67
68
69

(1) Securities required by law to be deposited or kept in the state treasury may be deposited for safekeeping with the federal reserve bank of Cleveland, Ohio or secured and insured depositories in or out of this state as designated by the treasurer of state. 70
71
72
73
74

(2) Public moneys may be kept in constituted state depositories. 75
76

~~(B)~~(C) The custodial funds of the treasurer of state consist of the moneys, claims, bonds, notes, other obligations, stocks, and other securities, receipts or other evidences of ownership, 77
78
79

and other intangible assets that are required by law to be kept in 80
the custody of the treasurer of state but are not part of the 81
state treasury. All assets of the custodial funds of the treasurer 82
of state shall be kept in either or both of the following: 83

(1) The rooms assigned the treasurer of state, with the 84
vaults, safes, and other appliances therein; 85

(2) The federal reserve bank of Cleveland, Ohio or secured 86
and insured depositories in or out of this state as designated by 87
the treasurer of state. 88

~~(C)~~(D) Assets of the state treasury shall not be commingled 89
with assets of the custodial funds of the treasurer of state. 90

The repositing and deposit of payments pursuant to ~~sections~~ 91
~~section~~ 113.06 ~~and 113.07~~ of the Revised Code ~~are~~ is in compliance 92
with this section. 93

Sec. 113.11. No money shall be paid out of the state treasury 94
or transferred elsewhere except ~~on the warrant of~~ as ordered by 95
the director of budget and management. No money shall be paid out 96
of a custodial fund of the treasurer of state except ~~on proper~~ 97
~~order to the treasurer of state~~ as ordered by the officer 98
authorized by law to pay money out of the fund. 99

The treasurer of state shall adopt rules prescribing the form 100
and manner in which money may be paid out of the state treasury or 101
a custodial fund of the treasurer of state. 102

Sec. 113.12. (A) As used in this section, "valid warrant" 103
means a warrant that is not stopped, stale dated for age, voided, 104
canceled, altered, or fictitious. 105

(B) The treasurer of state, on presentation, shall pay all 106
valid warrants drawn on the ~~treasurer of state~~ state treasury by 107

the director of budget and management. ~~At least once each month~~ On 108
~~a daily basis,~~ the treasurer of state shall ~~surrender~~ provide to 109
the director electronic records of all warrants the treasurer of 110
state has paid ~~and shall accept the receipt of the director~~ 111
~~therefor. The receipt shall be held by the treasurer of state in~~ 112
~~place of such warrants and as evidence of their payment until an~~ 113
~~audit of the state treasury and the custodial funds of the~~ 114
~~treasurer of state has been completed, adjusted, or returned.~~ 115

Sec. 113.22. There is hereby created in the state treasury 116
the treasurer's information technology reserve fund. The fund 117
shall consist of unexpended amounts transferred from either or 118
both of the following: 119

(A) The securities lending program fund created under section 120
135.47 of the Revised Code; 121

(B) The account created under section 3366.05 of the Revised 122
Code that is in the custody of the treasurer of state and not part 123
of the state treasury. 124

Moneys credited to the treasurer's information technology 125
reserve fund shall be expended only to acquire or maintain 126
hardware, software, or contract services for the efficient 127
operation of the treasurer of state's office. Unexpended amounts 128
shall be retained in the fund and reserved for such future 129
technology needs. 130

Sec. 113.40. (A) As used in this section: 131

(1) "Financial transaction device" includes a credit card, 132
debit card, charge card, prepaid or stored value card, or 133
automated clearinghouse network credit, debit, or e-check entry 134
that includes, but is not limited to, accounts receivable and 135

internet-initiated, point of purchase, and telephone-initiated	136
applications, or any other device or method for making an	137
electronic payment or transfer of funds.	138
(2) "State expenses" includes fees, costs, taxes,	139
assessments, fines, penalties, payments, or any other expense a	140
person owes to a state office under the authority of a state	141
elected official or to a state entity.	142
(3) "State elected official" means the governor, lieutenant	143
governor, attorney general, secretary of state, treasurer of	144
state, and auditor of state.	145
(4) "State entity" includes any state department, agency,	146
board, or commission that deposits funds into the state treasury.	147
(B) Notwithstanding any other section of the Revised Code and	148
subject to division (D) of this section, the board of deposit may	149
adopt a resolution authorizing the acceptance of payments by	150
financial transaction device to pay for state expenses. The	151
resolution shall include all of the following:	152
(1) A designation of those state elected officials and state	153
entities authorized to accept payments by financial transaction	154
device;	155
(2) A list of state expenses that may be paid by the use of a	156
financial transaction device;	157
(3) Specific identification of financial transaction devices	158
that a state elected official or state entity may authorize as	159
acceptable means of payment for state expenses. Division (B)(3) of	160
this section does not require that the same financial transaction	161
devices be accepted for the payment of different types of state	162
expenses.	163
(4) The amount, if any, authorized as a surcharge or	164

convenience fee under division (E) of this section for persons 165
using a financial transaction device. Division (B)(4) of this 166
section does not require that the same surcharges or convenience 167
fees be applied to the payment of different types of state 168
expenses. 169

(5) A specific requirement, as provided in division (G) of 170
this section, for the payment of a penalty if a payment made by 171
means of a financial transaction device is returned or dishonored 172
for any reason. 173

The board of deposit's resolution also shall designate the 174
treasurer of state as the administrative agent to solicit 175
proposals, within guidelines established by the board of deposit 176
in the resolution and in compliance with the procedures provided 177
in division (C) of this section, from financial institutions, 178
issuers of financial transaction devices, and processors of 179
financial transaction devices; to make recommendations about those 180
proposals to the state elected officials; and to assist state 181
offices in implementing the state's financial transaction device 182
acceptance and processing program. 183

(C) The administrative agent shall follow the procedures 184
provided in this division whenever it plans to contract with 185
financial institutions, issuers of financial transaction devices, 186
or processors of financial transaction devices for the purposes of 187
this section. The administrative agent shall request proposals 188
from at least three financial institutions, issuers of financial 189
transaction devices, or processors of financial transaction 190
devices, as appropriate in accordance with the resolution adopted 191
under division (B) of this section. Prior to sending any financial 192
institution, issuer, or processor a copy of any such request, the 193
administrative agent shall advertise its intent to request 194

proposals ~~in a newspaper of general circulation in the state once~~ 195
~~a week~~ for two consecutive weeks by electronic publication on a 196
state agency web site made available to the general public. The 197
notice shall state that the administrative agent intends to 198
request proposals; specify the purpose of the request; indicate 199
the date, which shall be at least ten days after the ~~second~~ 200
publication, on which the request for proposals will be 201
electronically mailed to financial institutions, issuers, or 202
processors; and require that any financial institution, issuer, or 203
processor, whichever is appropriate, interested in receiving the 204
request for proposals submit written notice of this interest to 205
the administrative agent not later than ~~noon~~ of the day on which 206
the request for proposals will be electronically mailed. 207

Upon receiving the proposals, the administrative agent shall 208
review them and make a recommendation to the board of deposit 209
regarding which proposals to accept. The board of deposit shall 210
consider the agent's recommendation and review all proposals 211
submitted, and then may choose to contract with any or all of the 212
entities submitting proposals, as appropriate. The board of 213
deposit shall provide any financial institution, issuer, or 214
processor that submitted a proposal, but with which the board does 215
not enter into a contract, notice that its proposal is rejected. 216

(D) The board of deposit shall send a copy of the resolution 217
adopted under division (B) of this section to each state elected 218
official and state entity authorized to accept payments for state 219
expenses by financial transaction device. After receiving the 220
resolution and before accepting such payments by financial 221
transaction device, such a state elected official or state entity 222
shall provide written notification to the administrative agent of 223
the official's or entity's intent to implement the resolution 224
within the official's or entity's office. Each state office or 225

entity subject to the board's resolution adopted under division 226
(B) of this section shall use only the financial institutions, 227
issuers of financial transaction devices, and processors of 228
financial transaction devices with which the board of deposit 229
contracts, and each such office or entity is subject to the terms 230
of those contracts. 231

If a state entity under the authority of a state elected 232
official is directly responsible for collecting one or more state 233
expenses and the state elected official determines not to accept 234
payments by financial transaction device for one or more of those 235
expenses, the office is not required to accept payments by 236
financial transaction device for those expenses, notwithstanding 237
the adoption of a resolution by the board of deposit under 238
division (B) of this section. 239

~~Any state entity that prior to March 18, 1999, accepted 240
financial transaction devices may continue to accept such devices 241
until June 30, 2000, without being subject to any resolution 242
adopted by the board of deposit under division (B) of this 243
section, or any other oversight by the board of the entity's 244
financial transaction device program. Any such entity may use 245
surcharges or convenience fees in any manner the state elected 246
official or other official in charge of the entity determines to 247
be appropriate, and, if the administrative agent consents, may 248
appoint the administrative agent to be the entity's administrative 249
agent for purposes of accepting financial transaction devices. In 250
order to be exempt from the resolution of the board of deposit 251
under division (B) of this section, a state entity shall notify 252
the board in writing within thirty days after March 18, 1999, that 253
it accepted financial transaction devices prior to March 18, 1999. 254
Each such notification shall explain how processing costs 255
associated with financial transaction devices are being paid and 256~~

~~shall indicate whether surcharge or convenience fees are being
passed on to consumers.~~ 257
258

(E) The board of deposit may establish a surcharge or 259
convenience fee that may be imposed upon a person making payment 260
by a financial transaction device. The surcharge or convenience 261
fee shall not be imposed unless authorized or otherwise permitted 262
by the rules prescribed under a contract, between the financial 263
institution, issuer, or processor and the administrative agent, 264
governing the use and acceptance of the financial transaction 265
device. 266

The establishment of a surcharge or convenience fee shall 267
follow the guidelines of the financial institution, issuer of 268
financial transaction devices, or processor of financial 269
transaction devices with which the board of deposit contracts. 270

If a surcharge or convenience fee is imposed, every state 271
entity accepting payment by a financial transaction device, 272
regardless of whether that entity is subject to a resolution 273
adopted by the board of deposit, shall clearly post a notice in 274
the entity's office, and shall notify each person making a payment 275
by such a device, about the surcharge or fee. Notice to each 276
person making a payment shall be provided regardless of the medium 277
used to make the payment and in a manner appropriate to that 278
medium. Each notice shall include all of the following: 279

(1) A statement that there is a surcharge or convenience fee 280
for using a financial transaction device; 281

(2) The total amount of the charge or fee expressed in 282
dollars and cents for each transaction, or the rate of the charge 283
or fee expressed as a percentage of the total amount of the 284
transaction, whichever is applicable; 285

(3) A clear statement that the surcharge or convenience fee is nonrefundable.	286 287
(F) If a person elects to make a payment by a financial transaction device and a surcharge or convenience fee is imposed, the payment of the surcharge or convenience fee is not refundable.	288 289 290
(G) If a person makes payment by a financial transaction device and the payment is returned or dishonored for any reason, the person is liable to the state for the state expense and any reimbursable costs for collection, including banking charges, legal fees, or other expenses incurred by the state in collecting the returned or dishonored payment. The remedies and procedures provided in this section are in addition to any other available civil or criminal remedies provided by law.	291 292 293 294 295 296 297 298
(H) No person making any payment by a financial transaction device to a state office shall be relieved from liability for the underlying obligation, except to the extent that the state realizes final payment of the underlying obligation in cash or its equivalent. If final payment is not made by the financial transaction device issuer or other guarantor of payment in the transaction, the underlying obligation survives and the state shall retain all remedies for enforcement that would have applied if the transaction had not occurred.	299 300 301 302 303 304 305 306 307
(I) A state entity or employee who accepts a financial transaction device payment in accordance with this section and any applicable state or local policies or rules is immune from personal liability for the final collection of such payments as specified in section 9.87 of the Revised Code.	308 309 310 311 312
(J) <u>If the board of deposit determines that it is necessary and in the state's best interest to contract with an additional entity subsequent to the contract award made under division (C) of</u>	313 314 315

this section, the board may meet and choose to contract with one 316
or more additional entities for the remainder of the period 317
previously established by a contract award made under division (C) 318
of this section. 319

(K) The administrative agent, in cooperation with the office 320
of budget and management, may adopt, amend, and rescind rules in 321
accordance with section 111.15 of the Revised Code to implement 322
and administer this section. 323

Sec. 125.30. ~~(A) The department of administrative services~~ 324
~~shall do both of the following:~~ 325

~~(1) Create a business reply form that is capable of~~ 326
~~containing information that a private business is required to~~ 327
~~provide to state agencies on a regular basis. The director of~~ 328
~~administrative services shall adopt rules in accordance with~~ 329
~~Chapter 119. of the Revised Code specifying the information that~~ 330
~~the form shall contain. Subject to division (E) of this section,~~ 331
~~state agencies shall use the business reply form to obtain~~ 332
~~information from private businesses.~~ 333

~~(2) Create create and administer an on-line online computer~~ 334
~~network system to allow private businesses that allows persons to~~ 335
~~electronically file the business reply form forms and, as~~ 336
~~authorized in the Revised Code, tax information with state~~ 337
~~agencies or political subdivisions.~~ 338

~~In creating the business reply form described in division~~ 339
~~(A)(1) of this section, the director may consider the~~ 340
~~recommendations of interested parties from the small business~~ 341
~~community who have direct knowledge of and familiarity with the~~ 342
~~current state reporting requirements that apply to and the~~ 343
~~associated forms that are filed by small businesses.~~ 344

~~(B) The director shall establish procedures by which state agencies may share the information that is collected through the form established under division (A) of this section. These procedures shall provide that information that has been designated as confidential by any state agency shall not be made available to the other state agencies having access to the business reply form.~~

~~(C) Not later than September 30, 1999, the director may report to the director of budget and management and to the committees that handle finance and the committees that handle state government affairs in the house of representatives and the senate on the progress of state agencies in complying with division (A)(1) of this section. The director may recommend a five per cent reduction in the future appropriations of any state agency that has failed to comply with that division without good cause.~~

~~(D) As used in this section:~~

~~(1) "State agency" means the secretary of state, the department of job and family services regarding duties it performs pursuant to Title XLI of the Revised Code, the bureau of workers' compensation, the department of administrative services, and any other state agency that elects to participate in the pilot program as provided in division (E) of this section.~~

~~(2) "Form" has the same meaning as in division (B) of section 125.91 of the Revised Code.~~

~~(E) The provisions of this section pertaining to the business reply form constitute a two year pilot program. Not later than one year after January 21, 1998, the department of administrative services shall complete the planning and preparation that is necessary to implement the pilot program. The director of administrative services may request other state agencies, as~~

~~defined in division (A) of section 125.91 of the Revised Code, to
participate in the pilot program. If the director so requests, the
state agency may participate in the program. The provisions of
this section shall cease to have effect three years after January
21, 1998. Within ninety days after the completion of the pilot
program, the director of administrative services shall report to
the director of budget and management and the committees described
in division (C) of this section on the effectiveness of the pilot
program.~~

Sec. 126.06. The total operating fund consists of all funds
in the state treasury except the auto registration distribution
fund, local motor vehicle license tax fund, development bond
retirement fund, facilities establishment fund, gasoline excise
tax fund, higher education improvement fund, highway improvement
bond retirement fund, highway capital improvement fund,
improvements bond retirement fund, mental health facilities
improvement fund, parks and recreation improvement fund, ~~public~~
~~improvements bond retirement fund,~~ school district income tax
fund, state agency facilities improvement fund, public safety -
highway purposes fund, Vietnam conflict compensation fund, any
other fund determined by the director of budget and management to
be a bond fund or bond retirement fund, and such portion of the
highway operating fund as is determined by the director of budget
and management and the director of transportation to be restricted
by Section 5a of Article XII, Ohio Constitution.

When determining the availability of money in the total
operating fund to pay claims chargeable to a fund contained within
the total operating fund, the director of budget and management
shall use the same procedures and criteria the director employs in
determining the availability of money in a fund contained within

the total operating fund. The director may establish limits on the
 negative cash balance of the general revenue fund within the total
 operating fund, but in no case shall the negative cash balance of
 the general revenue fund exceed ten per cent of the total revenue
 of the general revenue fund in the preceding fiscal year.

Sec. 127.14. The controlling board may, at the request of any
 state agency or the director of budget and management, authorize,
 with respect to the provisions of any appropriation act:

(A) Transfers of all or part of an appropriation within but
 not between state agencies, except such transfers as the director
 of budget and management is authorized by law to make, provided
 that no transfer shall be made by the director for the purpose of
 effecting new or changed levels of program service not authorized
 by the general assembly;

(B) Transfers of all or part of an appropriation from one
 fiscal year to another;

(C) Transfers of all or part of an appropriation within or
 between state agencies made necessary by administrative
 reorganization or by the abolition of an agency or part of an
 agency;

(D) Transfers of all or part of cash balances in excess of
 needs from any fund of the state to the general revenue fund or to
 such other fund of the state to which the money would have been
 credited in the absence of the fund from which the transfers are
 authorized to be made, except that the controlling board may not
 authorize such transfers from the accrued leave liability fund,
 auto registration distribution fund, local motor vehicle license
 tax fund, budget stabilization fund, building improvement fund,

development bond retirement fund, facilities establishment fund, 434
gasoline excise tax fund, general revenue fund, higher education 435
improvement fund, highway improvement bond retirement fund, 436
highway capital improvement fund, highway operating fund, horse 437
racing tax fund, improvements bond retirement fund, public library 438
fund, liquor control fund, local government fund, local 439
transportation improvement program fund, medicaid reserve fund, 440
mental health facilities improvement fund, Ohio fairs fund, parks 441
and recreation improvement fund, ~~public improvements bond~~ 442
~~retirement fund~~, school district income tax fund, state agency 443
facilities improvement fund, public safety - highway purposes 444
fund, state lottery fund, undivided liquor permit fund, Vietnam 445
conflict compensation bond retirement fund, volunteer fire 446
fighters' dependents fund, waterways safety fund, wildlife fund, 447
workers' compensation fund, or any fund not specified in this 448
division that the director of budget and management determines to 449
be a bond fund or bond retirement fund; 450

(E) Transfers of all or part of those appropriations included 451
in the emergency purposes account of the controlling board; 452

(F) Temporary transfers of all or part of an appropriation or 453
other moneys into and between existing funds, or new funds, as may 454
be established by law when needed for capital outlays for which 455
notes or bonds will be issued; 456

(G) Transfer or release of all or part of an appropriation to 457
a state agency requiring controlling board approval of such 458
transfer or release as provided by law; 459

(H) Temporary transfer of funds included in the emergency 460
purposes appropriation of the controlling board. Such temporary 461
transfers may be made subject to conditions specified by the 462
controlling board at the time temporary transfers are authorized. 463

No transfers shall be made under this division for the purpose of
effecting new or changed levels of program service not authorized
by the general assembly.

As used in this section, "request" means an application by a
state agency or the director of budget and management seeking some
action by the controlling board.

When authorizing the transfer of all or part of an
appropriation under this section, the controlling board may
authorize the transfer to an existing appropriation item and the
creation of and transfer to a new appropriation item.

Whenever there is a transfer of all or part of funds included
in the emergency purposes appropriation by the controlling board,
pursuant to division (E) of this section, the state agency or the
director of budget and management receiving such transfer shall
keep a detailed record of the use of the transferred funds. At the
earliest scheduled meeting of the controlling board following the
accomplishment of the purposes specified in the request originally
seeking the transfer, or following the total expenditure of the
transferred funds for the specified purposes, the state agency or
the director of budget and management shall submit a report on the
expenditure of such funds to the board. The portion of any
appropriation so transferred which is not required to accomplish
the purposes designated in the original request to the controlling
board shall be returned to the proper appropriation of the
controlling board at this time.

Notwithstanding any provisions of law providing for the
deposit of revenues received by a state agency to the credit of a
particular fund in the state treasury, whenever there is a
temporary transfer of funds included in the emergency purposes
appropriation of the controlling board pursuant to division (H) of

this section, revenues received by any state agency receiving such 494
 a temporary transfer of funds shall, as directed by the 495
 controlling board, be transferred back to the emergency purposes 496
 appropriation. 497

The board may delegate to the director of budget and 498
 management authority to approve transfers among items of 499
 appropriation under division (A) of this section. 500

Sec. 129.06. Funds belonging to the sinking fund shall be 501
 applied to the payment of the principal and interest of the bonded 502
 debt of the state, and to the expenses of such payment. ~~When paid,~~ 503
~~bonds or certificates of the bonded debt of the state shall be~~ 504
~~canceled, and "paid" written on the face thereof with the date of~~ 505
~~payment, which inscription shall be signed by the board of~~ 506
~~commissioners of the sinking fund. Bonds or certificates so paid~~ 507
~~shall be taken from the proper accounts upon the individual and~~ 508
~~general stock ledgers and entered in the account of bonded debt~~ 509
~~paid, specifying the particular loan, the number and date of the~~ 510
~~certificate and bonds so paid, the amount, rate of interest, time~~ 511
~~at which it was redeemable, and in whose name it was standing when~~ 512
~~paid. All certificates or bonds so paid and canceled shall be~~ 513
~~filed in the office of the board.~~ 514

Sec. 129.09. Interest on the bonded debt of the state shall 515
 be paid to the owner of bonds or certificates evidencing such 516
 debt, or to such owner's agent, attorney, or legal representative. 517
~~Written proof of the authority of such agent, attorney, or legal~~ 518
~~representative must be presented to and filed with the board of~~ 519
~~commissioners of the sinking fund.~~ 520

Sec. 131.01. As used in Chapters 113., 117., 123., 124., 521

125., 126., 127., and 131. of the Revised Code, and any statute 522
that uses the terms in connection with state accounting or 523
budgeting: 524

(A) "Account" means any record, element, or summary in which 525
financial transactions are identified and recorded as debit or 526
credit transactions in order to summarize items of a similar 527
nature or classification. 528

(B) "Accounting procedure" means the arrangement of all 529
processes which discover, record, and summarize financial 530
information to produce financial statements and reports and to 531
provide internal control. 532

(C) "Accounting system" means the total structure of records 533
and procedures which discover, record, classify, and report 534
information on the financial position and operations of a 535
governmental unit or any of its funds and organizational 536
components. 537

(D) "Allocation" means a portion of an appropriation which is 538
designated for expenditure by specific organizational units or for 539
special purposes, activities, or objects that do not relate to a 540
period of time. 541

(E) "Allotment" means all or part of an appropriation which 542
may be encumbered or expended within a specific period of time. 543

(F) "Appropriation" means an authorization granted by the 544
general assembly to make expenditures and to incur obligations for 545
specific purposes. 546

(G) "Assets" means resources owned, controlled, or otherwise 547
used or held by the state which have monetary value. 548

(H) "Budget" means the plan of financial operation embodying 549
an estimate of proposed expenditures and obligations for a given 550

period and the proposed means of financing them.	551
(I) "Direct deposit" is a form of electronic funds transfer in which money is electronically deposited into the account of a person or entity at a financial institution.	552 553 554
(J) "Disbursement" means a payment made for any purpose.	555
(K) "Electronic benefit transfer" means the electronic delivery of benefits through automated teller machines, point of sale terminals, or other electronic media pursuant to section 5101.33 of the Revised Code.	556 557 558 559
(L) "Electronic funds transfer" means the electronic movement of funds via automated clearing house or wire transfer.	560 561
(M) "Encumbrancing document" means a document reserving all or part of an appropriation.	562 563
(N) "Expenditure" means a reduction of the balance of an appropriation after legal requirements have been met.	564 565
(O) "Fund" means an independent fiscal and accounting entity with a self-balancing set of accounts recording cash or other resources, together with all related liabilities, obligations, reserves, and fund balances which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special rules, restrictions, or limitations.	566 567 568 569 570 571
(P) "Lapse" means the automatic termination of an appropriation at the end of the fiscal period for which it was appropriated.	572 573 574
(Q) "Reappropriation" means an appropriation of a previous appropriation that is continued in force in a succeeding appropriation period. "Reappropriation" shall be equated with and incorporated in the term "appropriation."	575 576 577 578

(R) "Stored value card" means a payment card that may have money loaded and stored on the card and accessed through automated teller machines, point of sale terminals, or other electronic media. "Stored value card" does not include any payment card linked to, and that can access money in, an external account maintained by a financial institution. 579
580
581
582
583
584

(S) "Voucher" means the document used to transmit a claim for payment and evidentiary matter related to the claim. 585
586

~~(S)~~(T) "Warrant" means an order drawn upon the treasurer of state by the director of budget and management, or an authorized person at a state entity that has a custodial account in the custody of the treasurer of state, directing the treasurer of state to pay a specified amount to one or more specified payees. A variety of payment instruments may be used, including ~~an order to make a lump sum payment to a financial institution for the transfer of funds by~~ but not limited to paper warrants, stored value cards, direct deposit to the payee's bank account, or the drawdown of funds by electronic benefit transfer, and the resulting electronic transfer to or by the ultimate payees. 587
588
589
590
591
592
593
594
595
596
597

The terms defined in this section shall be used, on all accounting forms, reports, formal rules, and budget requests produced by a state agency, only as defined in this section. 598
599
600

Sec. 135.01. Except as otherwise provided in sections 135.14, 135.143, 135.181, and 135.182 of the Revised Code, as used in sections 135.01 to 135.21 of the Revised Code: 601
602
603

(A) "Active deposit" means a public deposit necessary to meet current demands on the treasury, and that is deposited in any of the following: 604
605
606

(1) A commercial account that is payable or withdrawable, in 607

whole or in part, on demand;

608

(2) A negotiable order of withdrawal account as authorized in the "Consumer Checking Account Equity Act of 1980," 94 Stat. 146, 12 U.S.C.A. 1832(a);

609

610

611

(3) A money market deposit account as authorized in the "Garn-St. Germain Depository Institutions Act of 1982," 96 Stat. 1501, 12 U.S.C. 3503.

612

613

614

(B) "Auditor" includes the auditor of state and the auditor, or officer exercising the functions of an auditor, of any subdivision.

615

616

617

(C) "Capital funds" means the sum of the following: the par value of the outstanding common capital stock, the par value of the outstanding preferred capital stock, the aggregate par value of all outstanding capital notes and debentures, and the surplus. In the case of an institution having offices in more than one county, the capital funds of such institution, for the purposes of sections 135.01 to 135.21 of the Revised Code, relative to the deposit of the public moneys of the subdivisions in one such county, shall be considered to be that proportion of the capital funds of the institution that is represented by the ratio that the deposit liabilities of such institution originating at the office located in the county bears to the total deposit liabilities of the institution.

618

619

620

621

622

623

624

625

626

627

628

629

630

(D) "Governing board" means, in the case of the state, the state board of deposit; in the case of all school districts and educational service centers except as otherwise provided in this section, the board of education or governing board of a service center, and when the case so requires, the board of commissioners of the sinking fund; in the case of a municipal corporation, the legislative authority, and when the case so requires, the board of

631

632

633

634

635

636

637

trustees of the sinking fund; in the case of a township, the board
of township trustees; in the case of a union or joint institution
or enterprise of two or more subdivisions not having a treasurer,
the board of directors or trustees thereof; and in the case of any
other subdivision electing or appointing a treasurer, the
directors, trustees, or other similar officers of such
subdivision. The governing board of a subdivision electing or
appointing a treasurer shall be the governing board of all other
subdivisions for which such treasurer is authorized by law to act.
In the case of a county school financing district that levies a
tax pursuant to section 5705.215 of the Revised Code, the county
board of education that serves as its taxing authority shall
operate as a governing board. Any other county board of education
shall operate as a governing board unless it adopts a resolution
designating the board of county commissioners as the governing
board for the county school district.

(E) "Inactive deposit" means a public deposit other than an
interim deposit or an active deposit.

(F) "Interim deposit" means a deposit of interim moneys.
"Interim moneys" means public moneys in the treasury of ~~the state~~
~~or~~ any subdivision after the award of inactive deposits has been
made in accordance with section 135.07 of the Revised Code, which
moneys are in excess of the aggregate amount of the inactive
deposits as estimated by the governing board prior to the period
of designation and which the ~~treasurer or~~ governing board finds
should not be deposited as active or inactive deposits for the
reason that such moneys will not be needed for immediate use but
will be needed before the end of the period of designation. In the
case of the state treasury, "interim moneys" means public moneys
that are not active deposits and may be invested in accordance
with section 135.143 of the Revised Code.

(G) "Permissible rate of interest" means a rate of interest 669
that all eligible institutions mentioned in section 135.03 of the 670
Revised Code are permitted to pay by law or valid regulations. 671

(H) "Warrant clearance account" means an account established 672
by the treasurer of state for ~~the~~ either of the following 673
purposes: 674

(a) The deposit of active state moneys outside the city of 675
Columbus, such account being for the exclusive purpose purposes of 676
clearing state paper warrants through the banking system to the 677
treasurer, funding electronic benefit transfer cards, issuing 678
stored value cards, or otherwise facilitating the settlement of 679
state obligations; 680

(b) The deposit of custodial moneys from an account held in 681
the custody of the treasurer of state to facilitate settlement of 682
obligations of the custodial fund. 683

(I) "Public deposit" means public moneys deposited in a 684
public depository pursuant to sections 135.01 to 135.21 of the 685
Revised Code. 686

(J) "Public depository" means an institution which receives 687
or holds any public deposits. 688

(K) "Public moneys" means all moneys in the treasury of the 689
state or any subdivision of the state, or moneys coming lawfully 690
into the possession or custody of the treasurer of state or of the 691
treasurer of any subdivision. "Public moneys of the state" 692
includes all such moneys coming lawfully into the possession of 693
the treasurer of state; and "public moneys of a subdivision" 694
includes all such moneys coming lawfully into the possession of 695
the treasurer of the subdivision. 696

(L) "Subdivision" means any municipal corporation, except one 697

which has adopted a charter under Article XVIII, Ohio 698
 Constitution, and the charter or ordinances of the chartered 699
 municipal corporation set forth special provisions respecting the 700
 deposit or investment of its public moneys, or any school district 701
 or educational service center, a county school financing district, 702
 township, municipal or school district sinking fund, special 703
 taxing or assessment district, or other district or local 704
 authority electing or appointing a treasurer, except a county. In 705
 the case of a school district or educational service center, 706
 special taxing or assessment district, or other local authority 707
 for which a treasurer, elected or appointed primarily as the 708
 treasurer of a subdivision, is authorized or required by law to 709
 act as ex officio treasurer, the subdivision for which such a 710
 treasurer has been primarily elected or appointed shall be 711
 considered to be the "subdivision." The term also includes a union 712
 or joint institution or enterprise of two or more subdivisions, 713
 that is not authorized to elect or appoint a treasurer, and for 714
 which no ex officio treasurer is provided by law. 715

(M) "Treasurer" means, in the case of the state, the 716
 treasurer of state and in the case of any subdivision, the 717
 treasurer, or officer exercising the functions of a treasurer, of 718
 such subdivision. In the case of a board of trustees of the 719
 sinking fund of a municipal corporation, the board of 720
 commissioners of the sinking fund of a school district, or a board 721
 of directors or trustees of any union or joint institution or 722
 enterprise of two or more subdivisions not having a treasurer, 723
 such term means such board of trustees of the sinking fund, board 724
 of commissioners of the sinking fund, or board of directors or 725
 trustees. 726

(N) "Treasury investment board" of a municipal corporation 727
 means the mayor or other chief executive officer, the village 728

solicitor or city director of law, and the auditor or other chief
fiscal officer. 729
730

(O) "No-load money market mutual fund" means a no-load money
market mutual fund to which all of the following apply: 731
732

(1) The fund is registered as an investment company under the
"Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C.A. 80a-1
to 80a-64; 733
734
735

(2) The fund has the highest letter or numerical rating
provided by at least one nationally recognized ~~standard~~
statistical rating ~~service organization~~; 736
737
738

(3) The fund does not include any investment in a derivative.
As used in division (O)(3) of this section, "derivative" means a
financial instrument or contract or obligation whose value or
return is based upon or linked to another asset or index, or both,
separate from the financial instrument, contract, or obligation
itself. Any security, obligation, trust account, or other
instrument that is created from an issue of the United States
treasury or is created from an obligation of a federal agency or
instrumentality or is created from both is considered a derivative
instrument. An eligible investment described in section 135.14 or
135.35 of the Revised Code with a variable interest rate payment,
based upon a single interest payment or single index comprised of
other investments provided for in division (B)(1) or (2) of
section 135.14 of the Revised Code, is not a derivative, provided
that such variable rate investment has a maximum maturity of two
years. 739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754

(P) "Public depositor" means the state or a subdivision, as
applicable, that deposits public moneys in a public depository
pursuant to sections 135.01 to 135.21 of the Revised Code. 755
756
757

(Q) "Uninsured public deposit" means the portion of a public 758
 deposit that is not insured by the federal deposit insurance 759
 corporation or by any other agency or instrumentality of the 760
 federal government. 761

Sec. 135.02. There shall be a state board of deposit 762
 consisting of the treasurer of state or an employee of the 763
 treasurer of state's department designated by the treasurer of 764
 state, the auditor of state or an employee of the auditor of 765
 state's department designated by the auditor of state, and the 766
 attorney general or an employee of the attorney general's 767
 department designated by the attorney general. The board shall 768
 meet on the call of the chairperson at least annually to perform 769
 the duties prescribed in sections 135.01 to 135.21 of the Revised 770
 Code. At any time, two members of the board may request that the 771
 chairperson call a meeting of the board, and the chairperson shall 772
 call the meeting within thirty days after receiving such requests. 773
 The treasurer of state or the treasurer of state's designated 774
 representative shall be chairperson of the board. The treasurer of 775
 state shall designate an employee of the treasurer of state's 776
 department to serve as the secretary of the board and keep its 777
 records. A certified copy of such records shall be prima-facie 778
 evidence of the matter appearing therein in any court of record. 779

The chairperson shall provide ~~a monthly report~~ notification 780
 to the board of deposit ~~consisting of the notifications that the~~ 781
~~reports~~ required under division (B) of section 135.143 of the 782
 Revised Code ~~and shall post that report monthly~~ have been posted 783
 to a web site maintained by the treasurer of state. 784

The necessary expenses of the board shall be paid from the 785
 state treasury from appropriations for that purpose upon the order 786
 of the board certified by the chairperson and the secretary. 787

Sec. 135.04. (A) Any institution mentioned in section 135.03 788
of the Revised Code is eligible to become a public depository of 789
the active deposits, ~~inactive deposits,~~ and interim deposits of 790
public moneys of the state subject to the requirements of sections 791
135.01 to 135.21 of the Revised Code. 792

(B) To facilitate the ~~clearance of state warrants to~~ 793
settlement of obligations of the state treasury and custodial 794
funds in the custody of the treasurer of state, the state board of 795
deposit may delegate the authority to the treasurer of state to 796
establish warrant clearance accounts in any institution mentioned 797
in section 135.03 of the Revised Code ~~located in areas where the~~ 798
~~volume of warrant clearances justifies the establishment of an~~ 799
~~account as determined by the treasurer of state.~~ The balances 800
maintained in such warrant clearance accounts shall be at 801
sufficient levels to cover the activity generated by such accounts 802
on an individual basis. Any financial institution in the state 803
that has a warrant clearance account established by the treasurer 804
of state shall, not more than ~~ten~~ fifteen days after the close of 805
each ~~quarter~~ month, prepare and transmit to the treasurer of state 806
an analysis statement of such account for the ~~quarter~~ month then 807
ended. Such statement shall contain such information as determined 808
by the state board of deposit, ~~and this information shall be used~~ 809
~~in whole or in part by the treasurer of state in determining the~~ 810
~~level of balances to be maintained in such accounts.~~ 811

(C) Each governing board shall award the active deposits of 812
public moneys subject to its control to the eligible institutions 813
in accordance with this section, except that no such public 814
depository shall thereby be required to take or permitted to 815
receive and have at any one time a greater amount of active 816
deposits of such public moneys than that specified in the 817

application of such depository. When, by reason of such limitation 818
or otherwise, the amount of active public moneys deposited or to 819
be deposited in a public depository, pursuant to an award made 820
under this section, is reduced or withdrawn, as the case requires, 821
the amount of such reduction or the sum so withdrawn shall be 822
deposited in another eligible institution applying therefor, or if 823
there is no such eligible institution, then the amount so withheld 824
or withdrawn shall be awarded or deposited for the remainder of 825
the period of designation in accordance with sections 135.01 to 826
135.21 of the Revised Code. 827

(D) Any institution mentioned in section 135.03 of the 828
Revised Code is eligible to become a public depository of the 829
inactive and interim deposits of public moneys of a subdivision. 830
In case the aggregate amount of inactive or interim deposits 831
applied for by such eligible institutions is less than the 832
aggregate maximum amount of such inactive or interim deposits as 833
estimated to be deposited pursuant to sections 135.01 to 135.21 of 834
the Revised Code, the governing board of the subdivision may 835
designate as a public depository of the inactive or interim 836
deposits of the public moneys thereof, one or more institutions of 837
a kind mentioned in section 135.03 of the Revised Code, subject to 838
the requirements of sections 135.01 to 135.21 of the Revised Code. 839

(E) Any institution mentioned in section 135.03 of the 840
Revised Code is eligible to become a public depository of the 841
active deposits of public moneys of a subdivision. In case the 842
aggregate amount of active deposits of the public moneys of the 843
subdivision applied for by such eligible institutions is less than 844
the aggregate maximum amount to be deposited as such, as estimated 845
by the governing board, said board may designate as a public 846
depository of the active deposits of the public moneys of the 847
subdivision, one or more institutions of the kind mentioned in 848

section 135.03 of the Revised Code, subject to the requirements of 849
sections 135.01 to 135.21 of the Revised Code. 850

(F)(1) The governing board of the state or of a subdivision 851
may designate one or more minority banks as public depositories of 852
its inactive, interim, or active deposits of public moneys 853
designated as federal funds. Except for section 135.18, 135.181, 854
or 135.182 of the Revised Code, Chapter 135. of the Revised Code 855
does not apply to the application for, or the award of, such 856
deposits. As used in this division, "minority bank" means a bank 857
that is owned or controlled by one or more socially or 858
economically disadvantaged persons. Such disadvantage may arise 859
from cultural, ethnic, or racial background, chronic economic 860
circumstances, or other similar cause. Such persons include, but 861
are not limited to, Afro-Americans, Puerto Ricans, 862
Spanish-speaking Americans, and American Indians. 863

(2) In enacting this division, the general assembly finds 864
that: 865

(a) Certain commercial banks are owned or controlled by 866
minority Americans; 867

(b) Minority banks are an important source of banking 868
services in their communities; 869

(c) Minority banks have been unsuccessful in competing under 870
Chapter 135. of the Revised Code for the award of federal funds; 871

(d) This division contains safeguards for the protection of 872
the general public and the banking industry, since it provides the 873
governing board of the state or political subdivision with 874
permissive authority in the award of deposits; limits the 875
authority of the governing board to the award of federal funds; 876
and subjects minority banks to certain limitations of Chapter 135. 877

of the Revised Code, including the requirement that, as in the 878
 case of every financial institution subject to Chapter 135. of the 879
 Revised Code, a minority bank pledge certain securities for 880
 repayment of the deposits. 881

(3) The purpose of this division is to recognize that the 882
 state has a substantial and compelling interest in encouraging the 883
 establishment, development, and stability of minority banks by 884
 facilitating their access to the award of federal funds, while 885
 ensuring the protection of the general public and the banking 886
 industry. 887

(G) The governing board of a subdivision shall award the 888
 first twenty-five thousand dollars of the active deposits of 889
 public moneys subject to its control to the eligible institution 890
 or institutions applying or qualifying therefor on the basis of 891
 the operating needs of the subdivision and shall award the active 892
 deposits of public moneys subject to its control in excess of 893
 twenty-five thousand dollars to the eligible institution or 894
 institutions applying or qualifying therefor. 895

Sec. 135.05. Each governing board of a subdivision shall, at 896
 least three weeks prior to the date when it is required by section 897
 135.12 of the Revised Code to designate public depositories, by 898
 resolution, estimate the aggregate maximum amount of public moneys 899
 subject to its control to be awarded and be on deposit as inactive 900
 deposits. ~~The state board of deposit shall cause a copy of such~~ 901
~~resolution, together with a notice of the date on which the~~ 902
~~meeting of the board for the designation of such depositories will~~ 903
~~be held and the period for which such inactive deposits will be~~ 904
~~awarded, to be published once a week for two consecutive weeks in~~ 905
~~two newspapers of general circulation in each of the three most~~ 906
~~populous counties.~~ The governing board of each subdivision shall 907

cause a copy of such resolution, together with a notice of the 908
date on which the meeting of the board for the designation of such 909
depositories will be held and the period for which such inactive 910
deposits will be awarded, to be published once a week for two 911
consecutive weeks in a newspaper of general circulation in the 912
county or as provided in section 7.16 of the Revised Code. If a 913
subdivision is located in more than one county, such publication 914
shall be made in a newspaper of general circulation in the county 915
in which the major part of such subdivision is located, and of 916
general circulation in the subdivision. A written notice stating 917
the aggregate maximum amount to be awarded as inactive deposits of 918
the subdivision shall be given to each eligible depository by the 919
governing board at the time the first publication is made in the 920
newspaper. 921

All deposits of the public moneys of ~~the state or~~ any 922
subdivision made during the period covered by the designation in 923
excess of the aggregate amount so estimated shall be active 924
deposits or interim deposits. Inactive, interim, and active 925
deposits shall be separately awarded, made, and administered as 926
provided by sections 135.01 to 135.21 of the Revised Code. 927

Sec. 135.06. Each eligible institution desiring to be a 928
public depository of the inactive deposits of the public moneys of 929
~~the state or of the inactive deposits of the public moneys of the~~ 930
subdivision shall, not more than thirty days prior to the date 931
fixed by section 135.12 of the Revised Code for the designation of 932
such public depositories, make application therefor in writing to 933
the proper governing board. Such application shall specify the 934
maximum amount of such public moneys which the applicant desires 935
to receive and have on deposit as an inactive deposit at any one 936
time during the period covered by the designation, provided that 937

it shall not apply for more than thirty per cent of its total 938
 assets as revealed by its latest report to the superintendent of 939
 financial institutions, the comptroller of the currency, ~~the~~ 940
~~office of thrift supervision,~~ the federal deposit insurance 941
 corporation, or the board of governors of the federal reserve 942
 system, and the rate of interest which the applicant will pay 943
 thereon, subject to the limitations of sections 135.01 to 135.21 944
 of the Revised Code. Each application shall be accompanied by a 945
 financial statement of the applicant, under oath of its cashier, 946
 treasurer, or other officer, in such detail as to show the capital 947
 funds of the applicant, as of the date of its latest report to the 948
 superintendent of financial institutions, the comptroller of the 949
 currency, ~~the office of thrift supervision,~~ the federal deposit 950
 insurance corporation, or the board of governors of the federal 951
 reserve system, and adjusted to show any changes therein made 952
 prior to the date of the application. Such application may be 953
 combined with an application for designation as a public 954
 depository of active deposits, interim deposits, or both. 955

Sec. 135.08. Each eligible institution desiring to be a 956
 public depository of interim deposits of the public moneys of the 957
 state or of the ~~interim deposits of the public moneys of the~~ 958
 subdivision shall, not more than ~~thirty~~ one hundred twenty days 959
 prior to the date fixed by section 135.12 of the Revised Code for 960
 the designation of public depositories, make application therefor 961
 in writing to the proper governing board. Such application shall 962
 specify the maximum amount of such public moneys which the 963
 applicant desires to receive and have on deposit as interim 964
 deposits at any one time during the period covered by the 965
 designation, provided that it shall not apply for more than thirty 966
 per cent of its total assets as revealed by its latest report to 967
 the superintendent of financial institutions, the comptroller of 968

the currency, ~~the office of thrift supervision~~, the federal 969
 deposit insurance corporation, or the board of governors of the 970
 federal reserve system, and the rate of interest which the 971
 applicant will pay thereon, subject to the limitations of sections 972
 135.01 to 135.21 of the Revised Code. 973

Each application shall be accompanied by a financial 974
 statement of the applicant, under oath of its cashier, treasurer, 975
 or other officer, in such detail as to show the capital funds of 976
 the applicant, as of the date of its latest report to the 977
 superintendent of financial institutions, the comptroller of the 978
 currency, ~~the office of thrift supervision~~, the federal deposit 979
 insurance corporation, or the board of governors of the federal 980
 reserve system, and adjusted to show any changes therein made 981
 prior to the date of the application. Such application may be 982
 combined with an application for designation as a public 983
 depository of inactive deposits, active deposits, or both. 984

Sec. 135.10. Each eligible institution desiring to be a 985
 public depository of the active deposits of the public moneys of 986
 the state or of a subdivision shall, not more than ~~thirty one~~ 987
hundred twenty days prior to the date fixed by section 135.12 of 988
 the Revised Code for the designation of such public depositories, 989
 make application therefor in writing to the proper governing 990
 board. If desired, such application may specify the maximum amount 991
 of such public moneys which the applicant desires to receive and 992
 have on deposit at any one time during the period covered by the 993
 designation. Each application shall be accompanied by a financial 994
 statement of the applicant, under oath of its cashier, treasurer, 995
 or other officer, in such detail as to show the capital funds of 996
 the applicant, as of the date of its latest report to the 997
 superintendent of ~~banks~~ financial institutions or comptroller of 998

the currency, and adjusted to show any changes therein prior to 999
 the date of the application. Such application may be combined with 1000
 an application for designation as a public depository of inactive 1001
 deposits, interim deposits, or both. 1002

Sec. 135.12. (A) Beginning in ~~2004~~ 2025 and every four years 1003
~~thereafter~~, the state board of deposit shall meet on the third 1004
 Monday of March ~~in the even-numbered years~~ for the purpose of 1005
 designating the public depositories of the public moneys of the 1006
 state, and at such meeting or any adjourned session thereof shall 1007
 designate such public depositories and award the public moneys of 1008
 the state to and among the public depositories so designated for 1009
 the period of ~~two~~ four years commencing on the first Monday of 1010
 July next following. 1011

(B) Each governing board other than the state board of 1012
 deposit shall meet every five years on the third Monday or such 1013
 regularly scheduled meeting date of the month next preceding the 1014
 date of the expiration of its designation of depositories for the 1015
 purpose of designating the public depositories of the public 1016
 moneys of the subdivision, and at such meeting or any adjourned 1017
 session thereof, shall designate such public depositories and 1018
 award the public moneys of the subdivision to and among the public 1019
 depositories so designated for the period of five years commencing 1020
 on the date of the expiration of the next preceding designation. 1021
 The designation and award shall be made in duplicate; one copy 1022
 shall be retained by the governing board of the subdivision and 1023
 one copy shall be certified to the treasurer. 1024

(C) If a governing board determines, during a designation 1025
 period, that a public depository designated under this section is 1026
 insolvent or operating in an unsound or unsafe manner, the 1027
 governing board may meet and designate a different public 1028

depository of the public moneys of the state or of the subdivision 1029
for the remainder of the designation period. 1030

(D) If a governing board determines during a designation 1031
period that it is necessary and in the state's or subdivision's 1032
best interests to appoint additional depositories, the governing 1033
board may meet and designate one or more additional public 1034
depositories of the public moneys of the state or of the 1035
subdivision for the remainder of the designation period. 1036

(E) Whenever, by amendment or enactment of any state or 1037
federal law or the amendment or adoption of any valid regulation 1038
thereunder, the terms of a designation or award, lawful at the 1039
beginning of any designation period, cease to be lawful during 1040
such period, and if the change of law or regulation requires, the 1041
designation period shall be limited so as not to extend beyond the 1042
date when that change becomes effective. In such case, the proper 1043
governing board shall meet and designate the public depositories 1044
of the public moneys of the state or of the subdivision for the 1045
remainder of the designation period. 1046

(F) During a designation period, whenever a statute 1047
authorizes a new custodial fund to be created, the state board of 1048
deposit shall meet to award the public moneys associated with the 1049
new custodial fund to a designated public depository. 1050

(G) During a designation period, whenever a state agency, as 1051
defined in section 1.60 of the Revised Code, requests to change 1052
its public depository, the state board of deposit shall meet to 1053
consider the request. 1054

Sec. 135.14. (A) As used in this section: 1055

(1) "Treasurer" does not include the treasurer of state, and 1056
"governing board" does not include the state board of deposit. 1057

(2) "Other obligations" includes notes whether or not issued 1058
in anticipation of the issuance of bonds. 1059

(B) The treasurer or governing board may invest or deposit 1060
any part or all of the interim moneys. The following 1061
classifications of obligations shall be eligible for such 1062
investment or deposit: 1063

(1) United States treasury bills, notes, bonds, or any other 1064
obligation or security issued by the United States treasury or any 1065
other obligation guaranteed as to principal and interest by the 1066
United States. 1067

Nothing in the classification of eligible obligations set 1068
forth in division (B)(1) of this section or in the classifications 1069
of eligible obligations set forth in divisions (B)(2) to (7) of 1070
this section shall be construed to authorize any investment in 1071
stripped principal or interest obligations of such eligible 1072
obligations. 1073

(2) Bonds, notes, debentures, or any other obligations or 1074
securities issued by any federal government agency or 1075
instrumentality, including but not limited to, the federal 1076
national mortgage association, federal home loan bank, federal 1077
farm credit bank, federal home loan mortgage corporation, and 1078
government national mortgage association. All federal agency 1079
securities shall be direct issuances of federal government 1080
agencies or instrumentalities. 1081

(3) Interim deposits in the eligible institutions applying 1082
for interim moneys as provided in section 135.08 of the Revised 1083
Code. The award of interim deposits shall be made in accordance 1084
with section 135.09 of the Revised Code and the treasurer or the 1085
governing board shall determine the periods for which such interim 1086
deposits are to be made and shall award such interim deposits for 1087

such periods, provided that any eligible institution receiving an
interim deposit award may, upon notification that the award has
been made, decline to accept the interim deposit in which event
the award shall be made as though the institution had not applied
for such interim deposit.

(4) Bonds and other obligations of this state, or the
political subdivisions of this state, provided that, with respect
to bonds or other obligations of political subdivisions, all of
the following apply:

(a) The bonds or other obligations are payable from general
revenues of the political subdivision and backed by the full faith
and credit of the political subdivision.

(b) The bonds or other obligations are rated at the time of
purchase in the three highest classifications established by at
least one nationally recognized ~~standard~~ statistical rating
~~service organization~~ and purchased through a registered securities
broker or dealer.

(c) The aggregate value of the bonds or other obligations
does not exceed twenty per cent of interim moneys available for
investment at the time of purchase.

(d) The treasurer or governing board is not the sole
purchaser of the bonds or other obligations at original issuance.

(e) The bonds or other obligations mature within ten years
from the date of settlement.

No investment shall be made under division (B)(4) of this
section unless the treasurer or governing board has completed
additional training for making the investments authorized by
division (B)(4) of this section. The type and amount of additional
training shall be approved by the treasurer of state and may be

conducted by or provided under the supervision of the treasurer of state. 1117
1118

(5) No-load money market mutual funds consisting exclusively 1119
of obligations described in division (B)(1) or (2) of this section 1120
and repurchase agreements secured by such obligations, provided 1121
that investments in securities described in this division are made 1122
only through eligible institutions mentioned in section 135.03 of 1123
the Revised Code; 1124

(6) The Ohio subdivision's fund as provided in section 135.45 1125
of the Revised Code; 1126

(7) Up to forty per cent of interim moneys available for 1127
investment in either of the following: 1128

(a) Commercial paper notes issued by an entity that is 1129
defined in ~~division (D) of section 1705.01 or division (E)(K)~~ of 1130
section 1706.01 of the Revised Code and that has assets exceeding 1131
five hundred million dollars, to which notes all of the following 1132
apply: 1133

(i) The notes are rated at the time of purchase in the 1134
highest classification established by at least two nationally 1135
recognized ~~standard~~ statistical rating ~~services~~ organizations. 1136

(ii) The aggregate value of the notes does not exceed ten per 1137
cent of the aggregate value of the outstanding commercial paper of 1138
the issuing corporation. 1139

(iii) The notes mature not later than two hundred seventy 1140
days after purchase. 1141

(iv) The investment in commercial paper notes of a single 1142
issuer shall not exceed in the aggregate five per cent of interim 1143
moneys available for investment at the time of purchase. 1144

(b) Bankers acceptances of banks that are insured by the federal deposit insurance corporation and that mature not later than one hundred eighty days after purchase.

No investment shall be made pursuant to division (B)(7) of this section unless the treasurer or governing board has completed additional training for making the investments authorized by division (B)(7) of this section. The type and amount of additional training shall be approved by the treasurer of state and may be conducted by or provided under the supervision of the treasurer of state.

(C) Nothing in the classifications of eligible obligations set forth in divisions (B)(1) to (7) of this section shall be construed to authorize any investment in a derivative, and no treasurer or governing board shall invest in a derivative. For purposes of this division, "derivative" means a financial instrument or contract or obligation whose value or return is based upon or linked to another asset or index, or both, separate from the financial instrument, contract, or obligation itself. Any security, obligation, trust account, or other instrument that is created from an issue of the United States treasury or is created from an obligation of a federal agency or instrumentality or is created from both is considered a derivative instrument. An eligible investment described in this section with a variable interest rate payment, based upon a single interest payment or single index comprised of other eligible investments provided for in division (B)(1) or (2) of this section, is not a derivative, provided that such variable rate investment has a maximum maturity of two years.

(D) Except as provided in division (B)(4) or (E) of this section, any investment made pursuant to this section must mature

within five years from the date of settlement, unless the 1175
investment is matched to a specific obligation or debt of the 1176
subdivision. 1177

(E) The treasurer or governing board may also enter into a 1178
written repurchase agreement with any eligible institution 1179
mentioned in section 135.03 of the Revised Code or any eligible 1180
dealer pursuant to division (M) of this section, under the terms 1181
of which agreement the treasurer or governing board purchases, and 1182
such institution or dealer agrees unconditionally to repurchase 1183
any of the securities listed in divisions (D)(1) to (5), except 1184
letters of credit described in division (D)(2), of section 135.18 1185
of the Revised Code. The market value of securities subject to an 1186
overnight written repurchase agreement must exceed the principal 1187
value of the overnight written repurchase agreement by at least 1188
two per cent. A written repurchase agreement shall not exceed 1189
thirty days and the market value of securities subject to a 1190
written repurchase agreement must exceed the principal value of 1191
the written repurchase agreement by at least two per cent and be 1192
marked to market daily. All securities purchased pursuant to this 1193
division shall be delivered into the custody of the treasurer or 1194
governing board or an agent designated by the treasurer or 1195
governing board. A written repurchase agreement with an eligible 1196
securities dealer shall be transacted on a delivery versus payment 1197
basis. The agreement shall contain the requirement that for each 1198
transaction pursuant to the agreement the participating 1199
institution or dealer shall provide all of the following 1200
information: 1201

(1) The par value of the securities; 1202

(2) The type, rate, and maturity date of the securities; 1203

(3) A numerical identifier generally accepted in the 1204

securities industry that designates the securities. 1205

No treasurer or governing board shall enter into a written 1206
 repurchase agreement under the terms of which the treasurer or 1207
 governing board agrees to sell securities owned by the subdivision 1208
 to a purchaser and agrees with that purchaser to unconditionally 1209
 repurchase those securities. 1210

(F) No treasurer or governing board shall make an investment 1211
 under this section, unless the treasurer or governing board, at 1212
 the time of making the investment, reasonably expects that the 1213
 investment can be held until its maturity. 1214

(G) No treasurer or governing board shall pay interim moneys 1215
 into a fund established by another subdivision, treasurer, 1216
 governing board, or investing authority, if that fund was 1217
 established for the purpose of investing the public moneys of 1218
 other subdivisions. This division does not apply to the payment of 1219
 public moneys into either of the following: 1220

(1) The Ohio subdivision's fund pursuant to division (B)(6) 1221
 of this section; 1222

(2) A fund created solely for the purpose of acquiring, 1223
 constructing, owning, leasing, or operating municipal utilities 1224
 pursuant to the authority provided under section 715.02 of the 1225
 Revised Code or Section 4 of Article XVIII, Ohio Constitution. 1226

For purposes of division (G) of this section, "subdivision" 1227
 includes a county. 1228

(H) The use of leverage, in which the treasurer or governing 1229
 board uses its current investment assets as collateral for the 1230
 purpose of purchasing other assets, is prohibited. The issuance of 1231
 taxable notes for the purpose of arbitrage is prohibited. 1232
 Contracting to sell securities that have not yet been acquired by 1233

the treasurer or governing board, for the purpose of purchasing 1234
such securities on the speculation that bond prices will decline, 1235
is prohibited. 1236

(I) Whenever, during a period of designation, the treasurer 1237
classifies public moneys as interim moneys, the treasurer shall 1238
notify the governing board of such action. The notification shall 1239
be given within thirty days after such classification and in the 1240
event the governing board does not concur in such classification 1241
or in the investments or deposits made under this section, the 1242
governing board may order the treasurer to sell or liquidate any 1243
of such investments or deposits, and any such order shall 1244
specifically describe the investments or deposits and fix the date 1245
upon which they are to be sold or liquidated. Investments or 1246
deposits so ordered to be sold or liquidated shall be sold or 1247
liquidated for cash by the treasurer on the date fixed in such 1248
order at the then current market price. Neither the treasurer nor 1249
the members of the board shall be held accountable for any loss 1250
occasioned by sales or liquidations of investments or deposits at 1251
prices lower than their cost. Any loss or expense incurred in 1252
making such sales or liquidations is payable as other expenses of 1253
the treasurer's office. 1254

(J) If any investments or deposits purchased under the 1255
authority of this section are issuable to a designated payee or to 1256
the order of a designated payee, the name of the treasurer and the 1257
title of the treasurer's office shall be so designated. If any 1258
such securities are registrable either as to principal or 1259
interest, or both, then such securities shall be registered in the 1260
name of the treasurer as such. 1261

(K) The treasurer is responsible for the safekeeping of all 1262
documents evidencing a deposit or investment acquired by the 1263

treasurer under this section. Any securities may be deposited for 1264
safekeeping with a qualified trustee as provided in section 135.18 1265
of the Revised Code, except the delivery of securities acquired 1266
under any repurchase agreement under this section shall be made to 1267
a qualified trustee, provided, however, that the qualified trustee 1268
shall be required to report to the treasurer, governing board, 1269
auditor of state, or an authorized outside auditor at any time 1270
upon request as to the identity, market value, and location of the 1271
document evidencing each security, and that if the participating 1272
institution is a designated depository of the subdivision for the 1273
current period of designation, the securities that are the subject 1274
of the repurchase agreement may be delivered to the treasurer or 1275
held in trust by the participating institution on behalf of the 1276
subdivision. Interest earned on any investments or deposits 1277
authorized by this section shall be collected by the treasurer and 1278
credited by the treasurer to the proper fund of the subdivision. 1279

Upon the expiration of the term of office of a treasurer or 1280
in the event of a vacancy in the office of treasurer by reason of 1281
death, resignation, removal from office, or otherwise, the 1282
treasurer or the treasurer's legal representative shall transfer 1283
and deliver to the treasurer's successor all documents evidencing 1284
a deposit or investment held by the treasurer. For the investments 1285
and deposits so transferred and delivered, such treasurer shall be 1286
credited with and the treasurer's successor shall be charged with 1287
the amount of money held in such investments and deposits. 1288

(L) Whenever investments or deposits acquired under this 1289
section mature and become due and payable, the treasurer shall 1290
present them for payment according to their tenor, and shall 1291
collect the moneys payable thereon. The moneys so collected shall 1292
be treated as public moneys subject to sections 135.01 to 135.21 1293
of the Revised Code. 1294

(M)(1) All investments, except for investments in securities 1295
described in divisions (B)(5) and (6) of this section and for 1296
investments by a municipal corporation in the issues of such 1297
municipal corporation, shall be made only through a member of the 1298
financial industry regulatory authority (FINRA), through a bank, 1299
savings bank, or savings and loan association regulated by the 1300
superintendent of financial institutions, or through an 1301
institution regulated by the comptroller of the currency, federal 1302
deposit insurance corporation, or board of governors of the 1303
federal reserve system. 1304

(2) Payment for investments shall be made only upon the 1305
delivery of securities representing such investments to the 1306
treasurer, governing board, or qualified trustee. If the 1307
securities transferred are not represented by a certificate, 1308
payment shall be made only upon receipt of confirmation of 1309
transfer from the custodian by the treasurer, governing board, or 1310
qualified trustee. 1311

(N) In making investments authorized by this section, a 1312
treasurer or governing board may retain the services of an 1313
investment advisor, provided the advisor is licensed by the 1314
division of securities under section 1707.141 of the Revised Code 1315
or is registered with the securities and exchange commission, and 1316
possesses experience in public funds investment management, 1317
specifically in the area of state and local government investment 1318
portfolios, or the advisor is an eligible institution mentioned in 1319
section 135.03 of the Revised Code. 1320

(O)(1) Except as otherwise provided in divisions (O)(2) and 1321
(3) of this section, no treasurer or governing board shall make an 1322
investment or deposit under this section, unless there is on file 1323
with the auditor of state a written investment policy approved by 1324

the treasurer or governing board. The policy shall require that
all entities conducting investment business with the treasurer or
governing board shall sign the investment policy of that
subdivision. All brokers, dealers, and financial institutions,
described in division (M)(1) of this section, initiating
transactions with the treasurer or governing board by giving
advice or making investment recommendations shall sign the
treasurer's or governing board's investment policy thereby
acknowledging their agreement to abide by the policy's contents.
All brokers, dealers, and financial institutions, described in
division (M)(1) of this section, executing transactions initiated
by the treasurer or governing board, having read the policy's
contents, shall sign the investment policy thereby acknowledging
their comprehension and receipt.

(2) If a written investment policy described in division
(O)(1) of this section is not filed on behalf of the subdivision
with the auditor of state, the treasurer or governing board of
that subdivision shall invest the subdivision's interim moneys
only in interim deposits pursuant to division (B)(3) of this
section or interim deposits pursuant to section 135.145 of the
Revised Code and approved by the treasurer of state, no-load money
market mutual funds pursuant to division (B)(5) of this section,
or the Ohio subdivision's fund pursuant to division (B)(6) of this
section.

(3) Divisions (O)(1) and (2) of this section do not apply to
a treasurer or governing board of a subdivision whose average
annual portfolio of investments held pursuant to this section is
one hundred thousand dollars or less, provided that the treasurer
or governing board certifies, on a form prescribed by the auditor
of state, that the treasurer or governing board will comply and is
in compliance with the provisions of sections 135.01 to 135.21 of

the Revised Code. 1356

(P) A treasurer or governing board may enter into a written 1357
investment or deposit agreement that includes a provision under 1358
which the parties agree to submit to nonbinding arbitration to 1359
settle any controversy that may arise out of the agreement, 1360
including any controversy pertaining to losses of public moneys 1361
resulting from investment or deposit. The arbitration provision 1362
shall be set forth entirely in the agreement, and the agreement 1363
shall include a conspicuous notice to the parties that any party 1364
to the arbitration may apply to the court of common pleas of the 1365
county in which the arbitration was held for an order to vacate, 1366
modify, or correct the award. Any such party may also apply to the 1367
court for an order to change venue to a court of common pleas 1368
located more than one hundred miles from the county in which the 1369
treasurer or governing board is located. 1370

For purposes of this division, "investment or deposit 1371
agreement" means any agreement between a treasurer or governing 1372
board and a person, under which agreement the person agrees to 1373
invest, deposit, or otherwise manage a subdivision's interim 1374
moneys on behalf of the treasurer or governing board, or agrees to 1375
provide investment advice to the treasurer or governing board. 1376

(Q) An investment made by the treasurer or governing board 1377
pursuant to this section prior to September 27, 1996, that was a 1378
legal investment under the law as it existed before September 27, 1379
1996, may be held until maturity. 1380

Sec. 135.142. (A) In addition to the investments authorized 1381
by section 135.14 of the Revised Code, any board of education, by 1382
a two-thirds vote of its members, may authorize the treasurer of 1383
the board of education to invest up to forty per cent of the 1384

interim moneys of the board, available for investment at any one 1385
time, in either of the following: 1386

(1) Commercial paper notes issued by any entity that is 1387
defined in ~~division (D) of section 1705.01 or division (E)(K) of~~ 1388
section 1706.01 of the Revised Code and has assets exceeding five 1389
hundred million dollars, and to which notes all of the following 1390
apply: 1391

(a) The notes are rated at the time of purchase in the 1392
highest classification established by at least two nationally 1393
recognized ~~standard~~ statistical rating ~~services~~ organizations. 1394

(b) The aggregate value of the notes does not exceed ten per 1395
cent of the aggregate value of the outstanding commercial paper of 1396
the issuing corporation. 1397

(c) The notes mature no later than two hundred seventy days 1398
after purchase. 1399

(d) The investment in commercial paper notes of a single 1400
issuer shall not exceed in the aggregate five per cent of interim 1401
moneys of the board available for investment at the time of 1402
purchase. 1403

(2) Bankers' acceptances of banks that are insured by the 1404
federal deposit insurance corporation and that mature no later 1405
than one hundred eighty days after purchase. 1406

(B) No investment authorized pursuant to division (A) of this 1407
section shall be made, whether or not authorized by a board of 1408
education, unless the treasurer of the board of education has 1409
completed additional training for making the types of investments 1410
authorized pursuant to division (A) of this section. The type and 1411
amount of such training shall be approved and may be conducted by 1412
or provided under the supervision of the treasurer of state. 1413

(C) The treasurer of the board of education shall prepare 1414
 annually and submit to the board of education, the superintendent 1415
 of public instruction, and the auditor of state, on or before the 1416
 thirty-first day of August, a report listing each investment made 1417
 pursuant to division (A) of this section during the preceding 1418
 fiscal year, income earned from such investments, fees and 1419
 commissions paid pursuant to division (D) of this section, and any 1420
 other information required by the board, the superintendent, and 1421
 the auditor of state. 1422

(D) A board of education may make appropriations and 1423
 expenditures for fees and commissions in connection with 1424
 investments made pursuant to division (A) of this section. 1425

(E)(1) In addition to the investments authorized by section 1426
 135.14 of the Revised Code and division (A) of this section, any 1427
 board of education that is a party to an agreement with the 1428
 treasurer of state pursuant to division (G) of section 135.143 of 1429
 the Revised Code and that has outstanding obligations issued under 1430
 authority of section 133.10 of the Revised Code may authorize the 1431
 treasurer of the board of education to invest interim moneys of 1432
 the board in debt interests rated in either of the two highest 1433
 rating classifications by at least two nationally recognized 1434
~~standard~~ statistical rating ~~services~~ organizations and issued by 1435
 entities that are defined in ~~division (D) of section 1705.01 or~~ 1436
 division ~~(E)~~ (K) of section 1706.01 of the Revised Code. The debt 1437
 interests purchased under authority of division (E) of this 1438
 section shall mature not later than the latest maturity date of 1439
 the outstanding obligations issued under authority of section 1440
 133.10 or 133.301 of the Revised Code. 1441

(2) If any of the debt interests acquired under division 1442
 (E)(1) of this section ceases to be rated as there required, its 1443

issuer shall notify the treasurer of state of this fact within 1444
 twenty-four hours. At any time thereafter the treasurer of state 1445
 may require collateralization at the rate of one hundred two per 1446
 cent of any remaining obligation of the entity, with securities 1447
 authorized for investment under section 135.143 of the Revised 1448
 Code. The collateral shall be delivered to and held by a custodian 1449
 acceptable to the treasurer of state, marked to market daily, and 1450
 any default to be cured within twelve hours. Unlimited 1451
 substitution shall be allowed of comparable securities. 1452

Sec. 135.143. (A) The treasurer of state may invest or 1453
 execute transactions for any part or all of the interim funds of 1454
 the state in the following classifications of obligations: 1455

(1) United States treasury bills, notes, bonds, or any other 1456
 obligations or securities issued by the United States treasury or 1457
 any other obligation guaranteed as to principal and interest by 1458
 the United States; 1459

(2) Bonds, notes, debentures, or any other obligations or 1460
 securities issued by any federal government agency or 1461
 instrumentality; 1462

(3)(a) Bonds, notes, and other obligations of the state of 1463
 Ohio, including, but not limited to, any obligations issued by the 1464
 treasurer of state, the Ohio public facilities commission, ~~the~~ 1465
~~Ohio building authority, the Ohio housing finance agency,~~ the Ohio 1466
 water development authority, the Ohio turnpike infrastructure 1467
 commission, the Ohio higher educational facility commission, and 1468
 state institutions of higher education as defined in section 1469
 3345.011 of the Revised Code; 1470

(b) Bonds, notes, and other obligations of any state or 1471
 political subdivision thereof rated in the three highest 1472

categories by at least one nationally recognized ~~standard~~ 1473
statistical rating ~~service~~ organization and purchased through a 1474
 registered securities broker or dealer, provided the treasurer of 1475
 state is not the sole purchaser of the bonds, notes, or other 1476
 obligations at original issuance. 1477

(4)(a) Written repurchase agreements with any eligible Ohio 1478
 financial institution that is a member of the federal reserve 1479
 system or federal home loan bank, ~~or~~ any registered United States 1480
 government securities dealer, or any counterparty rated in one of 1481
the three highest categories by at least one nationally recognized 1482
statistical rating organization or otherwise determined by the 1483
treasurer of state to have adequate capital and liquidity, under 1484
 the terms of which agreement the treasurer of state purchases and 1485
 the eligible financial institution ~~or~~, dealer, or counterparty 1486
 agrees unconditionally to repurchase any of the securities that 1487
 are listed in division (A)(1), (2), ~~or (3), (6), or (11)~~ of this 1488
 section. The market value of securities subject to these 1489
 transactions must exceed the principal value of the repurchase 1490
 agreement by an amount specified by the treasurer of state, and 1491
 the securities must be delivered into the custody of the treasurer 1492
 of state or the qualified trustee or agent designated by the 1493
 treasurer of state. The agreement shall contain the requirement 1494
 that for each transaction pursuant to the agreement, the 1495
 participating institution ~~or~~, dealer, or counterparty shall 1496
 provide all of the following information: 1497

(i) The par value of the securities; 1498

(ii) The type, rate, and maturity date of the securities; 1499

(iii) A numerical identifier generally accepted in the 1500
 securities industry that designates the securities. 1501

(b) The treasurer of state also may sell any securities, 1502

listed in division (A)(1), (2), ~~or (6)~~, or (11) of this section, 1503
 regardless of maturity or time of redemption of the securities, 1504
 under the same terms and conditions for repurchase, provided that 1505
 the securities have been fully paid for and are owned by the 1506
 treasurer of state at the time of the sale. 1507

(c) For purposes of division (A)(4) of this section, the 1508
treasurer of state shall only buy or sell securities listed in 1509
division (A)(11) of this section issued by entities that are 1510
organized under the laws of this state, any other state, or the 1511
United States. 1512

(5) Securities lending agreements with any eligible financial 1513
 institution that is a member of the federal reserve system or 1514
 federal home loan bank or any recognized United States government 1515
 securities dealer, under the terms of which agreements the 1516
 treasurer of state lends securities and the eligible financial 1517
 institution or dealer agrees to simultaneously exchange similar 1518
 securities or cash, equal value for equal value. 1519

Securities and cash received as collateral for a securities 1520
 lending agreement are not interim funds of the state. The 1521
 investment of cash collateral received pursuant to a securities 1522
 lending agreement may be invested only in such instruments 1523
 specified by the treasurer of state in accordance with a written 1524
 investment policy. 1525

(6) Various forms of commercial paper issued by any entity 1526
 that is organized under the laws of the United States or a state, 1527
 which notes are rated in the two highest categories by two 1528
 nationally recognized ~~standard~~ statistical rating ~~services~~ 1529
organizations, provided that the total amount invested under this 1530
 section in any commercial paper at any time shall not exceed forty 1531
 per cent of the state's total average portfolio, as determined and 1532

calculated by the treasurer of state;	1533
(7) Bankers acceptances, maturing in two hundred seventy days	1534
or less, provided that the total amount invested in bankers	1535
acceptances at any time shall not exceed ten per cent of the	1536
state's total average portfolio, as determined and calculated by	1537
the treasurer of state;	1538
(8) Certificates of deposit, <u>savings accounts, or deposit</u>	1539
<u>accounts</u> in eligible institutions applying for interim moneys as	1540
provided in section 135.08 of the Revised Code, including linked	1541
deposits as provided in sections 135.61 to 135.67 <u>135.66</u> of the	1542
Revised Code, agricultural linked deposits as provided in sections	1543
135.71 to 135.76 of the Revised Code, business linked deposits as	1544
provided in sections 135.77 to 135.774 of the Revised Code, and	1545
housing linked deposits as provided in sections 135.81 to 135.87	1546
of the Revised Code;	1547
(9) Negotiable certificates of deposit denominated in United	1548
States dollars issued by a nationally or state-chartered bank, a	1549
savings association or a federal <u>savings</u> association, a state or	1550
federal credit union, or a federally licensed or state-licensed	1551
branch of a foreign bank, which are rated in the two highest	1552
categories by two nationally recognized standard <u>statistical</u>	1553
rating services <u>organizations</u> , provided that the total amount	1554
invested under this section in negotiable certificates of deposit	1555
at any time shall not exceed twenty-five per cent of the state's	1556
total average portfolio, as determined and calculated by the	1557
treasurer of state. Interim funds invested in accordance with	1558
division (A)(9) of this section are not limited to institutions	1559
applying for interim moneys under section 135.08 of the Revised	1560
Code, nor are they subject to any pledging requirements described	1561
in sections 135.18, 135.181, or 135.182 of the Revised Code.	1562

(10) The state treasurer's investment pool authorized under section 135.45 of the Revised Code;	1563 1564
(11) Debt interests, other than commercial paper described in division (A)(6) of this section, rated in the three highest categories by two nationally recognized standard <u>statistical</u> rating services <u>organizations</u> and issued by entities that are organized under the laws of the United States or a state, or issued by foreign nations diplomatically recognized by the United States government, or any instrument based on, derived from, or related to such interests, provided that:	1565 1566 1567 1568 1569 1570 1571 1572
(a) The investments in debt interests other than commercial paper, <u>when added to the investment in written repurchase agreements for securities listed in division (A)(3) or (11) of this section,</u> shall not exceed in the aggregate twenty-five per cent of the state's portfolio.	1573 1574 1575 1576 1577
(b) The investments in debt interests issued by foreign nations shall not exceed in the aggregate two per cent of the state's portfolio.	1578 1579 1580
The treasurer of state shall invest under division (A)(11) of this section in a debt interest issued by a foreign nation only if the debt interest is backed by the full faith and credit of that foreign nation, and provided that all interest and principal shall be denominated and payable in United States funds.	1581 1582 1583 1584 1585
(c) When added to the investment in commercial paper and negotiable certificates of deposit, the investments in the debt interests of a single issuer shall not exceed in the aggregate five per cent of the state's portfolio.	1586 1587 1588 1589
(d) For purposes of division (A)(11) of this section, a debt interest is rated in the three highest categories by two	1590 1591

nationally recognized ~~standard~~ statistical rating ~~services~~ 1592
~~organizations~~ if either the debt interest itself or the issuer of 1593
the debt interest is rated, or is implicitly rated, in the three 1594
highest categories by two nationally recognized ~~standard~~ 1595
~~statistical~~ rating ~~services~~ organizations. 1596

(e) For purposes of division (A)(11) of this section, the 1597
"state's portfolio" means the state's total average portfolio, as 1598
determined and calculated by the treasurer of state. 1599

(12) No-load money market mutual funds rated in the highest 1600
category by one nationally recognized ~~standard~~ statistical rating 1601
~~service~~ organization or consisting exclusively of obligations 1602
described in division (A)(1), (2), or (6) of this section and 1603
repurchase agreements secured by such obligations; 1604

(13) Obligations issued by, or on behalf of, an Ohio 1605
political subdivision under Chapter 133. of the Revised Code or 1606
Section 12 of Article XVIII, Ohio Constitution, and identified in 1607
an agreement described in division (G) of this section; 1608

(14) Obligations issued by the state of Ohio, any political 1609
subdivision thereof, or by or on behalf of any nonprofit 1610
corporation or association doing business in this state rated in 1611
the four highest categories by at least one nationally recognized 1612
~~standard~~ statistical rating ~~service~~ organization and identified in 1613
an agreement described in division (K) of this section. 1614

(B) ~~Whenever, during a period of designation~~ On or before the 1615
~~tenth day of each month,~~ the treasurer of state ~~classifies public~~ 1616
~~moneys as interim moneys,~~ the treasurer of state shall notify the 1617
state board of deposit ~~of such action.~~ The notification shall be 1618
~~given within thirty days after such classification and, in that~~ 1619
~~the following reports pertaining to the immediately preceding~~ 1620
~~month have been posted to the web site maintained by the treasurer~~ 1621

<u>of state:</u>	1622
<u>(1) The daily ledger report of state funds prepared in accordance with section 113.13 of the Revised Code;</u>	1623 1624
<u>(2) The monthly portfolio report detailing the current inventory of all investments and deposits held within the classification of interim moneys;</u>	1625 1626 1627
<u>(3) The monthly activity report within the classification of interim moneys summarized by type of investment or deposit.</u>	1628 1629
<u>In the event the state board of deposit does not concur in such classification or in the investments or deposits made under this section, the board may order the treasurer of state to sell or liquidate any of the investments or deposits, and any such order shall specifically describe the investments or deposits and fix the date upon which they are to be sold or liquidated.</u>	1630 1631 1632 1633 1634 1635
Investments or deposits so ordered to be sold or liquidated shall be sold or liquidated for cash by the treasurer of state on the date fixed in such order at the then current market price. Neither the treasurer of state nor the members of the state board of deposit shall be held accountable for any loss occasioned by sales or liquidations of investments or deposits at prices lower than their cost. Any loss or expense incurred in making these sales or liquidations is payable as other expenses of the treasurer's office.	1636 1637 1638 1639 1640 1641 1642 1643 1644
(C) If any securities or obligations invested in by the treasurer of state pursuant to this section are registrable either as to principal or interest, or both, such securities or obligations shall be registered in the name of the treasurer of state.	1645 1646 1647 1648 1649
(D) The treasurer of state is responsible for the safekeeping of all securities or obligations under this section. Any such	1650 1651

securities or obligations may be deposited for safekeeping as 1652
provided in section 113.05 of the Revised Code. 1653

(E) Interest earned on any investments or deposits authorized 1654
by this section shall be collected by the treasurer of state and 1655
credited by the treasurer of state to the proper fund of the 1656
state. 1657

(F) Whenever investments or deposits acquired under this 1658
section mature and become due and payable, the treasurer of state 1659
shall present them for payment according to their tenor, and shall 1660
collect the moneys payable thereon. The moneys so collected shall 1661
be treated as public moneys subject to sections 135.01 to 135.21 1662
of the Revised Code. 1663

(G) The treasurer of state and any entity issuing obligations 1664
referred to in division (A)(13) of this section, which obligations 1665
mature within one year from the original date of issuance, may 1666
enter into an agreement providing for: 1667

(1) The purchase of those obligations by the treasurer of 1668
state on terms and subject to conditions set forth in the 1669
agreement; 1670

(2) The payment to the treasurer of state of a reasonable fee 1671
as consideration for the agreement of the treasurer of state to 1672
purchase those obligations; provided, however, that the treasurer 1673
of state shall not be authorized to enter into any such agreement 1674
with a board of education of a school district that has an 1675
outstanding obligation with respect to a loan received under 1676
authority of section 3313.483 of the Revised Code. 1677

(H) For purposes of division (G) of this section, a fee shall 1678
not be considered reasonable unless it is set to recover only the 1679
direct costs, a reasonable estimate of the indirect costs 1680

associated with the purchasing of obligations under division (G) 1681
of this section and any reselling of the obligations or any 1682
interest in the obligations, including interests in a fund 1683
comprised of the obligations, and the administration thereof. No 1684
money from the general revenue fund shall be used to subsidize the 1685
purchase or resale of these obligations. 1686

(I) All money collected by the treasurer of state from the 1687
fee imposed by division (G) of this section shall be deposited to 1688
the credit of the state political subdivision obligations fund, 1689
which is hereby created in the state treasury. Money credited to 1690
the fund shall be used solely to pay the treasurer of state's 1691
direct and indirect costs associated with purchasing and reselling 1692
obligations under division (G) of this section. 1693

(J) As used in this section, "political subdivision" means a 1694
county, township, municipal corporation, school district, or other 1695
body corporate and politic responsible for governmental activities 1696
in a geographic area smaller than that of the state. 1697

(K)(1) The treasurer of state and any entity issuing 1698
obligations referred to in division (A)(14) of this section, which 1699
obligations ~~have a demand feature to tender the obligation at par~~ 1700
~~plus accrued interest~~ require a conditional liquidity requirement, 1701
may enter into an agreement providing for the following: 1702

(a) The purchase of the obligations by the treasurer of state 1703
on terms and subject to conditions set forth in the agreement; 1704

(b) Payment to the treasurer of state of a fee as 1705
consideration for the agreement of the treasurer of state to 1706
purchase the obligations. 1707

(2) The treasurer of state shall not enter into agreements 1708
under division (K)(1) of this section for obligations that, in the 1709

aggregate, exceed ten per cent of the state's total average 1710
 portfolio, as determined and calculated by the treasurer of state. 1711

(3) For purposes of division (A)(14) of this section, an 1712
 obligation is rated in the four highest categories by at least one 1713
 nationally recognized ~~standard~~ statistical rating ~~service~~ 1714
organization if either the debt interest itself or the obligor of 1715
 the debt interest is rated in the four highest categories by at 1716
 least one nationally recognized ~~standard~~ statistical rating 1717
~~service~~ organization. 1718

(4) All money collected by the treasurer of state from the 1719
 fee imposed by division (K) of this section shall be deposited to 1720
 the credit of the state securities tender program fund, which is 1721
 hereby created in the state treasury. The amount of income from 1722
 the state securities tender program credited to the state 1723
 securities tender program fund shall not exceed one per cent of 1724
 the average par value of obligations subject to agreements under 1725
 division (K)(1) of this section. All other such income shall be 1726
 credited to the general revenue fund. The treasurer of state may 1727
 use the state securities tender program fund solely for operations 1728
 of the office of the treasurer of state. 1729

(L)(1) The treasurer of state and a state university or 1730
 college issuing obligations under section 3345.12 of the Revised 1731
 Code may enter into an agreement providing for the following: 1732

(a) The purchase of those obligations by the treasurer of 1733
 state pursuant to division (A)(3)(a) of this section on terms and 1734
 subject to conditions set forth in the agreement; 1735

(b) The department of higher education to withhold, in the 1736
 event the state university or college does not pay bond service 1737
 charges on the obligations when due, appropriated funds allocated 1738
 to the state university or college in an amount sufficient to pay 1739

bond service charges on the obligations, less any amounts 1740
 deposited for that purpose under the bond proceedings. Upon the 1741
 request of the treasurer of state, the department of higher 1742
 education shall promptly pay to the treasurer of state the amounts 1743
 withheld. 1744

(2) For purposes of division (L)(1) of this section, 1745
 "obligations," "state university or college," "bond service 1746
 charges," and "bond proceedings" have the same meanings as in 1747
 section 3345.12 of the Revised Code. 1748

Sec. 135.15. Whenever the governing board, other than the 1749
state board of deposit, is of the opinion that the actual amount 1750
 of active deposits is insufficient to meet the anticipated demands 1751
 on such active deposits, it shall direct the treasurer to sell 1752
 interim money investments or deposits or transfer from the 1753
 inactive deposits to the active deposits an amount sufficient to 1754
 meet such demands. The board shall designate in such order the 1755
 depositories from which withdrawals for such purpose shall be made 1756
 and the amounts to be withdrawn from each. The treasurer shall 1757
 immediately give appropriate written notice of such withdrawal to 1758
 each public depository affected thereby, and at the expiration of 1759
 the period of such notice shall make such withdrawals by 1760
 presentation of certificates of deposit, or otherwise, in such 1761
 manner as the board provides by appropriate regulations. In case 1762
 there are two or more public depositories subject to such 1763
 withdrawal, the board shall make such withdrawals from the public 1764
 depositories paying the lowest rates of interest and in 1765
 proportional amounts as near as is practicable. 1766

Whenever the state board of deposit is of the opinion that 1767
the actual amount of active deposits is insufficient to meet the 1768
anticipated demands on such active deposits, it shall direct the 1769

treasurer of state to sell interim money investments or to redeem 1770
negotiated deposits in an amount sufficient to meet such demands. 1771
The treasurer of state shall use the treasurer of state's 1772
discretion in selecting the instruments to be sold or redeemed. 1773

Sec. 135.182. (A) As used in this section: 1774

(1) "Public depository" means that term as defined in section 1775
 135.01 of the Revised Code, but also means an institution that 1776
 receives or holds any public deposits as defined in section 135.31 1777
 of the Revised Code. 1778

(2) "Public depositor" means that term as defined in section 1779
 135.01 of the Revised Code, but also includes a county and any 1780
 municipal corporation that has adopted a charter under Article 1781
 XVIII, Ohio Constitution. 1782

(3) "Public deposits," "public moneys," and "treasurer" mean 1783
 those terms as defined in section 135.01 of the Revised Code, but 1784
 also have the same meanings as are set forth in section 135.31 of 1785
 the Revised Code, but for purposes of this section does not 1786
include the moneys of metropolitan housing authorities. 1787

(B)(1) Not later than July 1, 2017, the treasurer of state 1788
 shall create the Ohio pooled collateral program. Under this 1789
 program, each institution designated as a public depository that 1790
 selects the pledging method prescribed in division (A)(2) of 1791
 section 135.18 or division (A)(2) of section 135.37 of the Revised 1792
 Code shall pledge to the treasurer of state a single pool of 1793
 eligible securities for the benefit of all public depositors at 1794
 the public depository to secure the repayment of all uninsured 1795
 public deposits at the public depository, provided that at all 1796
 times the total market value of the securities so pledged is at 1797
 least equal to either of the following: 1798

(a) One hundred two per cent of the total amount of all 1799
 uninsured public deposits; 1800

(b) An amount determined by rules adopted by the treasurer of 1801
 state that set forth the criteria for determining the aggregate 1802
 market value of the pool of eligible securities pledged by a 1803
 public depository pursuant to division (B) of this section. Such 1804
 criteria shall include, but are not limited to, prudent capital 1805
 and liquidity management by the public depository and the safety 1806
 and soundness of the public depository as determined by a 1807
 third-party rating organization. 1808

(2) The treasurer of state shall monitor the eligibility, 1809
 market value, and face value of the pooled securities pledged by 1810
 the public depository. Each public depository shall carry in its 1811
 accounting records at all times a general ledger or other 1812
 appropriate account of the total amount of all public deposits to 1813
 be secured by the pool, as determined at the opening of business 1814
 each day, and the total market value of securities pledged to 1815
 secure such deposits, and report such information to the treasurer 1816
 of state in a manner and frequency as determined by the treasurer 1817
 of state pursuant to rules adopted by the treasurer of state. A 1818
 public depositor shall be responsible for periodically confirming 1819
 the accuracy of its account balances with the treasurer of state; 1820
 otherwise, the treasurer of state shall be the sole public 1821
 depositor responsible for monitoring and ensuring the sufficiency 1822
 of securities pledged under this section. 1823

(3) If, on any day, the total market value of the securities 1824
 pledged by the public depository is less than that specified in 1825
 division (B)(1)(a) or (b) of this section, whichever is 1826
 applicable, the public depository shall have two business days to 1827
 pledge additional eligible securities having a market value 1828

sufficient, when combined with the market value of eligible securities already pledged, to satisfy the requirement of division (B)(1)(a) or (b) of this section, as applicable, to secure the repayment of all uninsured public deposits at the public depository.

(C) The public depository shall designate a qualified trustee approved by the treasurer of state and place with such trustee for safekeeping the eligible securities pledged pursuant to division (B) of this section. The trustee shall hold the eligible securities in an account indicating the treasurer of state's security interest in the eligible securities. The treasurer of state shall give written notice of the trustee to all public depositors for which such securities are pledged. The trustee shall report to the treasurer of state information relating to the securities pledged to secure such public deposits in a manner and frequency as determined by the treasurer of state.

(D) In order for a public depository to receive public moneys under this section, the public depository and the treasurer of state shall first execute an agreement that sets forth the entire arrangement among the parties and that meets the requirements described in 12 U.S.C. 1823(e). In addition, the agreement shall authorize the treasurer of state to obtain control of the collateral pursuant to division (D) of section 1308.24 of the Revised Code.

(E) The securities or other obligations described in division (D) of section 135.18 of the Revised Code shall be eligible as collateral for the purposes of division (B) of this section, provided no such securities or obligations pledged as collateral are at any time in default as to either principal or interest.

(F) Any federal reserve bank or branch thereof located in

this state or federal home loan bank, without compliance with 1859
Chapter 1111. of the Revised Code and without becoming subject to 1860
any other law of this state relative to the exercise by 1861
corporations of trust powers generally, is qualified to act as 1862
trustee for the safekeeping of securities, under this section. Any 1863
institution mentioned in section 135.03 or 135.32 of the Revised 1864
Code that holds a certificate of qualification issued by the 1865
superintendent of financial institutions or any institution 1866
complying with sections 1111.04, 1111.05, and 1111.06 of the 1867
Revised Code is qualified to act as trustee for the safekeeping of 1868
securities under this section, other than those belonging to 1869
itself or to an affiliate as defined in section 1101.01 of the 1870
Revised Code. 1871

(G) The public depository may substitute, exchange, or 1872
release eligible securities deposited with the qualified trustee 1873
pursuant to this section, provided that such substitution, 1874
exchange, or release is effectuated pursuant to written 1875
authorization from the treasurer of state, and such action does 1876
not reduce the total market value of the securities to an amount 1877
that is less than the amount established pursuant to division (B) 1878
of this section. 1879

(H) Notwithstanding the fact that a public depository is 1880
required to pledge eligible securities in certain amounts to 1881
secure public deposits, a qualified trustee has no duty or 1882
obligation to determine the eligibility, market value, or face 1883
value of any securities deposited with the trustee by a public 1884
depository. This applies in all situations including, but not 1885
limited to, a substitution or exchange of securities, but 1886
excluding those situations effectuated by division (I) of this 1887
section in which the trustee is required to determine face and 1888
market value. 1889

(I) The qualified trustee shall enter into a custodial agreement with the treasurer of state and public depository in which the trustee agrees to comply with entitlement orders originated by the treasurer of state without further consent by the public depository or, in the case of collateral held by the public depository in an account at a federal reserve bank, the treasurer of state shall have the treasurer's security interest marked on the books of the federal reserve bank where the account for the collateral is maintained. If the public depository fails to pay over any part of the public deposits made therein as provided by law and secured pursuant to division (B) of this section, the treasurer of state shall give written notice of this failure to the qualified trustee holding the pool of securities pledged against the public deposits, and at the same time shall send a copy of this notice to the public depository. Upon receipt of this notice, the trustee shall transfer to the treasurer of state for sale, the pooled securities that are necessary to produce an amount equal to the public deposits made by the public depositor and not paid over, less the portion of the deposits covered by any federal deposit insurance, plus any accrued interest due on the deposits. The treasurer of state shall sell any of the bonds or other securities so transferred. When a sale of bonds or other securities has been so made and upon payment to the public depositor of the purchase money, the treasurer of state shall transfer such bonds or securities whereupon the absolute ownership of such bonds or securities shall pass to the purchasers. Any surplus after deducting the amount due to the public depositor and expenses of sale shall be paid to the public depository.

(J) Any charges or compensation of a qualified trustee for acting as such under this section shall be paid by the public

depository and in no event shall be chargeable to the public 1921
depositor or to any officer of the public depositor. The charges 1922
or compensation shall not be a lien or charge upon the securities 1923
deposited for safekeeping prior or superior to the rights to and 1924
interests in the securities of the public depositor. The treasurer 1925
and the treasurer's bonders or surety shall be relieved from any 1926
liability to the public depositor or to the public depository for 1927
the loss or destruction of any securities deposited with a 1928
qualified trustee pursuant to this section. 1929

(K) A public depositor, treasurer, or the public depositor's 1930
or treasurer's bonders or surety are not liable for the loss of 1931
funds if a public depository fails to comply with the terms set 1932
forth in the agreement provided for in division (D) of this 1933
section for the appropriate level of collateral, as required under 1934
division (B)(1)(a) or (b) of this section, to secure the public 1935
deposits made under that agreement. 1936

(L)(1) The following information is confidential and not a 1937
public record under section 149.43 of the Revised Code: 1938

(a) All reports or other information obtained or created 1939
about a public depository for purposes of division (B)(1)(b) of 1940
this section; 1941

(b) The identity of a public depositor's public depository; 1942

(c) The identity of a public depository's public depositors. 1943

(2) Nothing in this section prevents the treasurer of state 1944
from releasing or exchanging such confidential information as 1945
required by law or for the operation of the pooled collateral 1946
program. 1947

(M) The treasurer of state may impose reasonable fees, 1948
including late fees, upon public depositories participating in the 1949

pooled collateral program to defray the actual and necessary
 expenses incurred by the treasurer in connection with the program.
 All such fees collected by the treasurer shall be deposited into
 the state treasury to the credit of the administrative fund
 created in section 113.20 of the Revised Code.

(N) The treasurer of state may adopt rules necessary for the
 implementation of this section and sections 135.18 and 135.181 of
 the Revised Code. Such rules shall be adopted in accordance with
 Chapter 119. of the Revised Code.

Sec. 135.31. As used in sections 135.31 to 135.40 of the
 Revised Code:

(A) "Active moneys" means an amount of public moneys in
 public depositories determined to be necessary to meet current
 demands upon a county treasury, and deposited in any of the
 following:

(1) A commercial account and withdrawable, in whole or in
 part, on demand;

(2) A negotiable order of withdrawal account as authorized in
 the "Consumer Checking Account Equity Act of 1980," 94 Stat. 146,
 12 U.S.C.A. 1832(a);

(3) A money market deposit account as authorized in the
 "Garn-St. Germain Depository Institutions Act of 1982," 96 Stat.
 1501, 12 U.S.C. 3503.

(B) "Inactive moneys" means all public moneys in public
 depositories in excess of the amount determined to be needed as
 active moneys.

(C) "Investing authority" means the treasurer, except as
 provided in section 135.34 of the Revised Code.

(D) "Public deposits" means public moneys deposited in a public depository pursuant to sections 135.31 to 135.40 of the Revised Code.

(E) "Public moneys" means all moneys in the treasury of a county or moneys coming lawfully into the possession or custody of the treasurer.

(F) "Treasurer" means the county treasurer.

(G) "No-load money market mutual fund" means a no-load money market mutual fund that is registered as an investment company under the "Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C.A. 80a-1 to 80a-64, and that has the highest letter or numerical rating provided by at least one nationally recognized standard statistical rating service organization.

Sec. 135.35. (A) The investing authority shall deposit or invest any part or all of the county's inactive moneys and shall invest all of the money in the county public library fund when required by section 135.352 of the Revised Code. The following classifications of securities and obligations are eligible for such deposit or investment:

(1) United States treasury bills, notes, bonds, or any other obligation or security issued by the United States treasury, any other obligation guaranteed as to principal or interest by the United States, or any book entry, zero-coupon United States treasury security that is a direct obligation of the United States.

Nothing in the classification of eligible securities and obligations set forth in divisions (A)(2) to (10) of this section shall be construed to authorize any investment in stripped principal or interest obligations of such eligible securities and

obligations.	2007
(2) Bonds, notes, debentures, or any other obligations or securities issued by any federal government agency or instrumentality, including, but not limited to, the federal national mortgage association, federal home loan bank, federal farm credit bank, federal home loan mortgage corporation, and government national mortgage association. All federal agency securities shall be direct issuances of federal government agencies or instrumentalities.	2008 2009 2010 2011 2012 2013 2014 2015
(3) Time certificates of deposit or savings or deposit accounts, including, but not limited to, passbook accounts, in any eligible institution mentioned in section 135.32 of the Revised Code;	2016 2017 2018 2019
(4) Bonds and other obligations of this state or the political subdivisions of this state, provided the bonds or other obligations of political subdivisions mature within ten years from the date of settlement;	2020 2021 2022 2023
(5) No-load money market mutual funds rated in the highest category at the time of purchase by at least one nationally recognized standard <u>statistical</u> rating service <u>organization</u> or consisting exclusively of obligations described in division (A)(1), (2), or (6) of section 135.143 of the Revised Code and repurchase agreements secured by such obligations, provided that investments in securities described in this division are made only through eligible institutions mentioned in section 135.32 of the Revised Code;	2024 2025 2026 2027 2028 2029 2030 2031 2032
(6) The Ohio subdivision's fund as provided in section 135.45 of the Revised Code;	2033 2034
(7) Securities lending agreements with any eligible	2035

institution mentioned in section 135.32 of the Revised Code that
 is a member of the federal reserve system or federal home loan
 bank or with any recognized United States government securities
 dealer meeting the description in division (J)(1) of this section,
 under the terms of which agreements the investing authority lends
 securities and the eligible institution or dealer agrees to
 simultaneously exchange similar securities or cash, equal value
 for equal value.

Securities and cash received as collateral for a securities
 lending agreement are not inactive moneys of the county or moneys
 of a county public library fund. The investment of cash collateral
 received pursuant to a securities lending agreement may be
 invested only in instruments specified by the investing authority
 in the written investment policy described in division (K) of this
 section.

(8) Up to forty per cent of the county's total average
 portfolio in either of the following investments:

(a) Commercial paper notes issued by an entity that is
 defined in division (D) of section 1705.01 or division (E) of
 section 1706.01 of the Revised Code and that has assets exceeding
 five hundred million dollars, to which notes all of the following
 apply:

(i) The notes are rated at the time of purchase in the
 highest classification established by at least two nationally
 recognized ~~standard~~ statistical rating ~~services~~ organizations.

(ii) The aggregate value of the notes does not exceed ten per
 cent of the aggregate value of the outstanding commercial paper of
 the issuing corporation.

(iii) The notes mature not later than two hundred seventy

days after purchase. 2065

(iv) The investment in commercial paper notes of a single issuer shall not exceed in the aggregate five per cent of interim moneys available for investment at the time of purchase. 2066
2067
2068

(b) Bankers acceptances of banks that are insured by the federal deposit insurance corporation and that mature not later than one hundred eighty days after purchase. 2069
2070
2071

No investment shall be made pursuant to division (A)(8) of this section unless the investing authority has completed additional training for making the investments authorized by division (A)(8) of this section. The type and amount of additional training shall be approved by the treasurer of state and may be conducted by or provided under the supervision of the treasurer of state. 2072
2073
2074
2075
2076
2077
2078

(9) Up to fifteen per cent of the county's total average portfolio in notes issued by corporations that are incorporated under the laws of the United States and that are operating within the United States, or by depository institutions that are doing business under authority granted by the United States or any state and that are operating within the United States, provided both of the following apply: 2079
2080
2081
2082
2083
2084
2085

(a) The notes are rated in the three highest categories by at least two nationally recognized ~~standard~~ statistical rating ~~services organizations~~ at the time of purchase. 2086
2087
2088

(b) The notes mature not later than three years after purchase. 2089
2090

(10) Debt interests rated at the time of purchase in the three highest categories by two nationally recognized ~~standard~~ statistical rating ~~services organizations~~ and issued by foreign 2091
2092
2093

nations diplomatically recognized by the United States government. 2094
 All interest and principal shall be denominated and payable in 2095
 United States funds. The investments made under division (A)(10) 2096
 of this section shall not exceed in the aggregate two per cent of 2097
 a county's total average portfolio. 2098

The investing authority shall invest under division (A)(10) 2099
 of this section in a debt interest issued by a foreign nation only 2100
 if the debt interest is backed by the full faith and credit of 2101
 that foreign nation, there is no prior history of default, and the 2102
 debt interest matures not later than five years after purchase. 2103
 For purposes of division (A)(10) of this section, a debt interest 2104
 is rated in the three highest categories by two nationally 2105
 recognized ~~standard~~ statistical rating ~~services~~ organizations if 2106
 either the debt interest itself or the issuer of the debt interest 2107
 is rated, or is implicitly rated, at the time of purchase in the 2108
 three highest categories by two nationally recognized ~~standard~~ 2109
statistical rating ~~services~~ organizations. 2110

(11) A current unpaid or delinquent tax line of credit 2111
 authorized under division (G) of section 135.341 of the Revised 2112
 Code, provided that all of the conditions for entering into such a 2113
 line of credit under that division are satisfied, or bonds and 2114
 other obligations of a county land reutilization corporation 2115
 organized under Chapter 1724. of the Revised Code, if the county 2116
 land reutilization corporation is located wholly or partly within 2117
 the same county as the investing authority. 2118

(B) Nothing in the classifications of eligible obligations 2119
 and securities set forth in divisions (A)(1) to (10) of this 2120
 section shall be construed to authorize investment in a 2121
 derivative, and no investing authority shall invest any county 2122
 inactive moneys or any moneys in a county public library fund in a 2123
 derivative. For purposes of this division, "derivative" means a 2124

financial instrument or contract or obligation whose value or
return is based upon or linked to another asset or index, or both,
separate from the financial instrument, contract, or obligation
itself. Any security, obligation, trust account, or other
instrument that is created from an issue of the United States
treasury or is created from an obligation of a federal agency or
instrumentality or is created from both is considered a derivative
instrument. An eligible investment described in this section with
a variable interest rate payment, based upon a single interest
payment or single index comprised of other eligible investments
provided for in division (A)(1) or (2) of this section, is not a
derivative, provided that such variable rate investment has a
maximum maturity of two years. A treasury inflation-protected
security shall not be considered a derivative, provided the
security matures not later than five years after purchase.

(C) Except as provided in division (A)(4) or (D) of this
section, any investment made pursuant to this section must mature
within five years from the date of settlement, unless the
investment is matched to a specific obligation or debt of the
county or to a specific obligation or debt of a political
subdivision of this state, and the investment is specifically
approved by the investment advisory committee.

(D) The investing authority may also enter into a written
repurchase agreement with any eligible institution mentioned in
section 135.32 of the Revised Code or any eligible securities
dealer pursuant to division (J) of this section, under the terms
of which agreement the investing authority purchases and the
eligible institution or dealer agrees unconditionally to
repurchase any of the securities listed in divisions (D)(1) to
(5), except letters of credit described in division (D)(2), of
section 135.18 of the Revised Code. The market value of securities

subject to an overnight written repurchase agreement must exceed 2156
the principal value of the overnight written repurchase agreement 2157
by at least two per cent. A written repurchase agreement must 2158
exceed the principal value of the overnight written repurchase 2159
agreement, by at least two per cent. A written repurchase 2160
agreement shall not exceed thirty days, and the market value of 2161
securities subject to a written repurchase agreement must exceed 2162
the principal value of the written repurchase agreement by at 2163
least two per cent and be marked to market daily. All securities 2164
purchased pursuant to this division shall be delivered into the 2165
custody of the investing authority or the qualified custodian of 2166
the investing authority or an agent designated by the investing 2167
authority. A written repurchase agreement with an eligible 2168
securities dealer shall be transacted on a delivery versus payment 2169
basis. The agreement shall contain the requirement that for each 2170
transaction pursuant to the agreement the participating 2171
institution shall provide all of the following information: 2172

- (1) The par value of the securities; 2173
- (2) The type, rate, and maturity date of the securities; 2174
- (3) A numerical identifier generally accepted in the 2175
securities industry that designates the securities. 2176

No investing authority shall enter into a written repurchase 2177
agreement under the terms of which the investing authority agrees 2178
to sell securities owned by the county to a purchaser and agrees 2179
with that purchaser to unconditionally repurchase those 2180
securities. 2181

(E) No investing authority shall make an investment under 2182
this section, unless the investing authority, at the time of 2183
making the investment, reasonably expects that the investment can 2184
be held until its maturity. The investing authority's written 2185

investment policy shall specify the conditions under which an 2186
investment may be redeemed or sold prior to maturity. 2187

(F) No investing authority shall pay a county's inactive 2188
moneys or moneys of a county public library fund into a fund 2189
established by another subdivision, treasurer, governing board, or 2190
investing authority, if that fund was established by the 2191
subdivision, treasurer, governing board, or investing authority 2192
for the purpose of investing or depositing the public moneys of 2193
other subdivisions. This division does not apply to the payment of 2194
public moneys into either of the following: 2195

(1) The Ohio subdivision's fund pursuant to division (A)(6) 2196
of this section; 2197

(2) A fund created solely for the purpose of acquiring, 2198
constructing, owning, leasing, or operating municipal utilities 2199
pursuant to the authority provided under section 715.02 of the 2200
Revised Code or Section 4 of Article XVIII, Ohio Constitution. 2201

For purposes of division (F) of this section, "subdivision" 2202
includes a county. 2203

(G) The use of leverage, in which the county uses its current 2204
investment assets as collateral for the purpose of purchasing 2205
other assets, is prohibited. The issuance of taxable notes for the 2206
purpose of arbitrage is prohibited. Contracting to sell securities 2207
not owned by the county, for the purpose of purchasing such 2208
securities on the speculation that bond prices will decline, is 2209
prohibited. 2210

(H) Any securities, certificates of deposit, deposit 2211
accounts, or any other documents evidencing deposits or 2212
investments made under authority of this section shall be issued 2213
in the name of the county with the county treasurer or investing 2214

authority as the designated payee. If any such deposits or 2215
 investments are registrable either as to principal or interest, or 2216
 both, they shall be registered in the name of the treasurer. 2217

(I) The investing authority shall be responsible for the 2218
 safekeeping of all documents evidencing a deposit or investment 2219
 acquired under this section, including, but not limited to, 2220
 safekeeping receipts evidencing securities deposited with a 2221
 qualified trustee, as provided in section 135.37 of the Revised 2222
 Code, and documents confirming the purchase of securities under 2223
 any repurchase agreement under this section shall be deposited 2224
 with a qualified trustee, provided, however, that the qualified 2225
 trustee shall be required to report to the investing authority, 2226
 auditor of state, or an authorized outside auditor at any time 2227
 upon request as to the identity, market value, and location of the 2228
 document evidencing each security, and that if the participating 2229
 institution is a designated depository of the county for the 2230
 current period of designation, the securities that are the subject 2231
 of the repurchase agreement may be delivered to the treasurer or 2232
 held in trust by the participating institution on behalf of the 2233
 investing authority. 2234

Upon the expiration of the term of office of an investing 2235
 authority or in the event of a vacancy in the office for any 2236
 reason, the officer or the officer's legal representative shall 2237
 transfer and deliver to the officer's successor all documents 2238
 mentioned in this division for which the officer has been 2239
 responsible for safekeeping. For all such documents transferred 2240
 and delivered, the officer shall be credited with, and the 2241
 officer's successor shall be charged with, the amount of moneys 2242
 evidenced by such documents. 2243

(J)(1) All investments, except for investments in securities 2244

described in divisions (A)(5), (6), and (11) of this section, 2245
shall be made only through a member of the financial industry 2246
regulatory authority (FINRA), through a bank, savings bank, or 2247
savings and loan association regulated by the superintendent of 2248
financial institutions, or through an institution regulated by the 2249
comptroller of the currency, federal deposit insurance 2250
corporation, or board of governors of the federal reserve system. 2251

(2) Payment for investments shall be made only upon the 2252
delivery of securities representing such investments to the 2253
treasurer, investing authority, or qualified trustee. If the 2254
securities transferred are not represented by a certificate, 2255
payment shall be made only upon receipt of confirmation of 2256
transfer from the custodian by the treasurer, governing board, or 2257
qualified trustee. 2258

(K)(1) Except as otherwise provided in division (K)(2) of 2259
this section, no investing authority shall make an investment or 2260
deposit under this section, unless there is on file with the 2261
auditor of state a written investment policy approved by the 2262
investing authority. The policy shall require that all entities 2263
conducting investment business with the investing authority shall 2264
sign the investment policy of that investing authority. All 2265
brokers, dealers, and financial institutions, described in 2266
division (J)(1) of this section, initiating transactions with the 2267
investing authority by giving advice or making investment 2268
recommendations shall sign the investing authority's investment 2269
policy thereby acknowledging their agreement to abide by the 2270
policy's contents. All brokers, dealers, and financial 2271
institutions, described in division (J)(1) of this section, 2272
executing transactions initiated by the investing authority, 2273
having read the policy's contents, shall sign the investment 2274
policy thereby acknowledging their comprehension and receipt. 2275

(2) If a written investment policy described in division 2276
 (K)(1) of this section is not filed on behalf of the county with 2277
 the auditor of state, the investing authority of that county shall 2278
 invest the county's inactive moneys and moneys of the county 2279
 public library fund only in time certificates of deposits or 2280
 savings or deposit accounts pursuant to division (A)(3) of this 2281
 section, no-load money market mutual funds pursuant to division 2282
 (A)(5) of this section, or the Ohio subdivision's fund pursuant to 2283
 division (A)(6) of this section. 2284

(L)(1) The investing authority shall establish and maintain 2285
 an inventory of all obligations and securities acquired by the 2286
 investing authority pursuant to this section. The inventory shall 2287
 include a description of each obligation or security, including 2288
 type, cost, par value, maturity date, settlement date, and any 2289
 coupon rate. 2290

(2) The investing authority shall also keep a complete record 2291
 of all purchases and sales of the obligations and securities made 2292
 pursuant to this section. 2293

(3) The investing authority shall maintain a monthly 2294
 portfolio report and issue a copy of the monthly portfolio report 2295
 describing such investments to the county investment advisory 2296
 committee, detailing the current inventory of all obligations and 2297
 securities, all transactions during the month that affected the 2298
 inventory, any income received from the obligations and 2299
 securities, and any investment expenses paid, and stating the 2300
 names of any persons effecting transactions on behalf of the 2301
 investing authority. 2302

(4) The monthly portfolio report shall be a public record and 2303
 available for inspection under section 149.43 of the Revised Code. 2304

(5) The inventory and the monthly portfolio report shall be 2305

filed with the board of county commissioners. The monthly 2306
 portfolio report also shall be filed with the treasurer of state. 2307

(M) An investing authority may enter into a written 2308
 investment or deposit agreement that includes a provision under 2309
 which the parties agree to submit to nonbinding arbitration to 2310
 settle any controversy that may arise out of the agreement, 2311
 including any controversy pertaining to losses of public moneys 2312
 resulting from investment or deposit. The arbitration provision 2313
 shall be set forth entirely in the agreement, and the agreement 2314
 shall include a conspicuous notice to the parties that any party 2315
 to the arbitration may apply to the court of common pleas of the 2316
 county in which the arbitration was held for an order to vacate, 2317
 modify, or correct the award. Any such party may also apply to the 2318
 court for an order to change venue to a court of common pleas 2319
 located more than one hundred miles from the county in which the 2320
 investing authority is located. 2321

For purposes of this division, "investment or deposit 2322
 agreement" means any agreement between an investing authority and 2323
 a person, under which agreement the person agrees to invest, 2324
 deposit, or otherwise manage, on behalf of the investing 2325
 authority, a county's inactive moneys or moneys in a county public 2326
 library fund, or agrees to provide investment advice to the 2327
 investing authority. 2328

(N)(1) An investment held in the county portfolio on 2329
 September 27, 1996, that was a legal investment under the law as 2330
 it existed before September 27, 1996, may be held until maturity. 2331

(2) An investment held in the county portfolio on September 2332
 10, 2012, that was a legal investment under the law as it existed 2333
 before September 10, 2012, may be held until maturity. 2334

Sec. 135.45. (A) Subject to division (B) of this section, a treasurer, governing board, or investing authority of a subdivision may pay public moneys of the subdivision into the Ohio subdivision's fund, which may be established in the custody of the treasurer of state. The treasurer of state shall invest the moneys in the fund in separately managed accounts and pooled accounts, including the state treasurer's investment pool, in the same manner, in the same types of instruments, and subject to the same limitations provided for the deposit and investment of interim moneys of the state, except that the fund shall not be invested in the linked deposits authorized under sections 135.61 to ~~135.67~~ 135.66 of the Revised Code.

(B)(1) On and after July 1, 1997, a treasurer, governing board, or investing authority of a subdivision that has not entered into an agreement with the treasurer of state under division (C) of this section shall not invest public moneys of the subdivision in a pooled account of the Ohio subdivision's fund under division (B)(6) of section 135.14 of the Revised Code or division (A)(6) of section 135.35 of the Revised Code if the pool does not maintain the highest letter or numerical rating provided by at least one nationally recognized ~~standard~~ statistical rating ~~service organization~~.

(2) Upon receipt of notice that the pool does not maintain the highest letter or numerical rating required under division (B)(1) of this section, the treasurer of state shall have ninety days to obtain the required highest letter or numerical rating. If the treasurer of state fails to obtain the required highest letter or numerical rating, the treasurer of state shall have an additional one hundred eighty days to develop a plan to dissolve the pool. The plan shall include reasonable standards for the

equitable return of public moneys in the pool to those 2365
subdivisions participating in the pool. 2366

(3) Treasurers, governing boards, or investing authorities of 2367
subdivisions participating in the pool shall not be required to 2368
divest in the pool during the initial one hundred eighty days 2369
following the treasurer of state's receipt of notice under 2370
division (B)(2) of this section. 2371

(C) A treasurer, governing board, or investing authority of a 2372
subdivision that wishes to invest public moneys of the subdivision 2373
in a separately managed account or pooled account of the Ohio 2374
subdivision's fund may enter into an agreement with the treasurer 2375
of state that sets forth the manner in which the money is to be 2376
invested. The treasurer of state shall invest the moneys in 2377
accordance with the agreement, subject to the limitations set 2378
forth in division (A) of this section. For purposes of this 2379
division, the limitation on investments in debt interests provided 2380
in division (A)(11)(a) of section 135.143 of the Revised Code 2381
shall not apply to a subdivision's excess reserves. 2382

(D) The treasurer of state shall adopt such rules as are 2383
necessary for the implementation of this section, including the 2384
efficient administration of and accounting for the separately 2385
managed accounts and pooled accounts, including the state 2386
treasurer's investment pool, and the specification of minimum 2387
amounts that may be paid into such pools and minimum periods of 2388
time for which such payments shall be retained in the pools. The 2389
rules shall provide for the administrative expenses of the 2390
separately managed accounts and pooled accounts, including the 2391
state treasurer's investment pool, to be paid from the earnings 2392
and for the interest earnings in excess of such expenses to be 2393
credited to the several treasurers, governing boards, and 2394

investing authorities participating in a pool in a manner which 2395
 equitably reflects the differing amounts of their respective 2396
 investments in the pool and the differing periods of time for 2397
 which such amounts are in the pool. 2398

(E) The treasurer of state shall give bond with sufficient 2399
 sureties, payable to the treasurers, governing boards, and 2400
 investing authorities of subdivisions participating in the fund, 2401
 for the benefit of the subdivisions whose moneys are paid into the 2402
 fund for investment, in the total penal sum of two hundred fifty 2403
 thousand dollars, conditioned for the faithful discharge of the 2404
 treasurer of state's duties in relation to the fund. 2405

(F) The treasurer of state and the treasurer of state's 2406
 bonders or surety are liable for the loss of any interim moneys of 2407
 the state and subdivisions invested under this section to the same 2408
 extent the treasurer of state and the treasurer of state's bonders 2409
 or surety are liable for the loss of public moneys under section 2410
 135.19 of the Revised Code. 2411

(G) As used in this section: 2412

(1) "Interim moneys" and "governing board" have the same 2413
 meanings as in section 135.01 of the Revised Code. 2414

(2)(a) "Subdivision" has the same meaning as in section 2415
 135.01 of the Revised Code, but also includes a county, a 2416
 municipal corporation that has adopted a charter under Article 2417
 XVIII, Ohio Constitution, or any government entity for which the 2418
 fund is a permissible investment. 2419

(b) "Public moneys of a subdivision" has the same meaning as 2420
 in section 135.01 of the Revised Code, but also includes "public 2421
 moneys" as defined in section 135.31 of the Revised Code, and 2422
 funds held in the custody of the treasurer of state 2423

notwithstanding any limitations on the permissible investments of
such funds. 2424
2425

(3) "Treasurer" has the same meaning as in sections 135.01 2426
and 135.31 of the Revised Code. 2427

(4) "Investing authority" has the same meaning as in section 2428
135.31 of the Revised Code. 2429

(5) "Excess reserves" means the amount of a subdivision's 2430
public moneys that exceed the average of a subdivision's annual 2431
operating expenses in the immediately preceding three fiscal 2432
years. 2433

Sec. 135.46. (A) The treasurer of state may create a taxable 2434
investment pool or a tax-exempt investment pool, or both, for the 2435
purpose of providing a procedure for the temporary investment of 2436
bond proceeds. The pool shall be in the custody of the treasurer 2437
of state. 2438

(B) A treasurer, governing board, or investing authority of a 2439
subdivision, or any agency of the state that has debt-issuing 2440
authority may pay bond proceeds into either or both of the pools 2441
authorized under division (A) of this section. 2442

(C) The treasurer of state shall invest the funds of the 2443
taxable investment pool authorized under division (A) of this 2444
section in the same manner, in the same types of instruments, and 2445
subject to the same limitations provided for the deposit and 2446
investment of interim moneys of the state and subdivisions under 2447
sections 135.14 and ~~135.141~~ 135.143 of the Revised Code. The 2448
treasurer also may invest in any other taxable obligations issued 2449
by any political subdivision of the state. 2450

(D) The treasurer of state shall invest the funds of the 2451

tax-exempt investment pool in debt obligations and participation	2452
interests in such obligations, if all of the following apply:	2453
(1) The obligations are issued by or on behalf of any state	2454
of the United States, or any political subdivision, agency, or	2455
instrumentality of any such state;	2456
(2) The interest on such obligations is exempt from federal	2457
income taxation;	2458
(3) The obligations are rated in either of the two highest	2459
classifications established by at least one nationally recognized	2460
standard <u>statistical</u> rating service <u>organization</u> .	2461
(E)(1) The treasurer of state shall, pursuant to Chapter 119.	2462
of the Revised Code, adopt such rules as are necessary to carry	2463
out the purposes of this section and for the efficient	2464
administration and accounting of a pool established pursuant to	2465
division (A) of this section.	2466
(2) The rules shall provide for the administrative expenses	2467
of such pool to be paid from its earnings and for the interest	2468
earnings in excess of such expenses to be credited to the several	2469
treasurers, governing boards, investing authorities, and agencies	2470
of the state participating in the pool in a manner that equitably	2471
reflects the differing amounts of their respective investments in	2472
the pool and the differing periods of time for which such amounts	2473
are in the pool.	2474
(3) The rules shall establish standards governing pools	2475
authorized under division (A) of this section, taking into	2476
consideration all federal rebate and yield restrictions and the	2477
objective of maintaining a high degree of safety and liquidity.	2478
(F) Upon creating a pool authorized under division (A) of	2479
this section, the treasurer of state shall give bond with	2480

sufficient sureties, payable to the treasurers, governing boards,
 and investing authorities of subdivisions and agencies of the
 state participating in the pool, for the benefit of the
 participating subdivisions and agencies, in the total penal sum of
 two hundred fifty thousand dollars, conditioned for the faithful
 discharge of ~~his~~ the treasurer of state's duties in relation to
 the pool.

(G) The treasurer of state and ~~his bondsmen~~ the treasurer of
 state's bonders or surety are liable for the loss of any moneys of
 the state invested under this section through a pool established
 under division (A) of this section to the same extent the
 treasurer of state and ~~his bondsmen~~ the treasurer of state's
 bonders or surety are liable for the loss of public moneys under
 section 135.19 of the Revised Code.

(H) As used in this section:

(1) "Governing board" has the same meaning as in section
 135.01 of the Revised Code.

(2) "Interim moneys" has the same meaning as in section
 135.01 of the Revised Code.

(3) "Investing authority" has the same meaning as in section
 135.31 of the Revised Code.

(4) "Public moneys of a subdivision" has the same meaning as
 in section 135.01 of the Revised Code, but also includes "public
 moneys" as defined in section 135.31 of the Revised Code, and
 funds held in the custody of the treasurer of state
 notwithstanding any limitations on the permissible investments of
 such funds.

(5) "Subdivision" has the same meaning as in section 135.01
 of the Revised Code, but also includes a county, or a municipal

corporation that has adopted a charter under Article XVIII, Ohio
Constitution. 2510
2511

(6) "Treasurer" has the same meaning as in sections 135.01
and 135.31 of the Revised Code. 2512
2513

Sec. 135.47. (A) There is hereby created the securities
~~nlending~~ lending program. 2514
2515

(B) There is hereby created in the state treasury the
securities lending program fund. Income from the interest earnings
of the securities lending program in an amount calculated pursuant
to division (D) of this section shall be credited to the fund. All
other such income shall be credited to the general revenue fund. 2516
2517
2518
2519
2520

(C) The treasurer of state may use the securities lending
program fund ~~solely~~ for operations of the office of the treasurer
of state or may transfer unexpended amounts in the fund to the
treasurer's information technology reserve fund created under
section 113.22 of the Revised Code. 2521
2522
2523
2524
2525

(D) The amount of income from the interest earnings of the
securities lending program that shall be paid into the securities
lending program fund shall not exceed an amount based on an annual
rate of one-quarter of one per cent of the total average daily par
value of assets in the securities lending program, as determined
and calculated by the treasurer of state. Such income shall be
paid on a monthly basis. 2526
2527
2528
2529
2530
2531
2532

Sec. 135.61. (A) The treasurer of state may invest in linked
deposits under this chapter, provided that at the time any such
linked deposits are placed, purchased, or designated, the combined
amount of investments of public money of the state in linked
deposits of any kind is not more than twelve per cent of the 2533
2534
2535
2536
2537

state's total average investment portfolio, as determined by the 2538
treasurer of state. When deciding whether to invest in any linked 2539
deposits, the treasurer of state shall give priority to the 2540
investment, liquidity, and cash flow needs of the state. 2541

(B) The treasurer of state may, in accordance with section 2542
111.15 of the Revised Code, adopt rules necessary for the 2543
implementation and administration of linked deposits under this 2544
chapter, including, but not limited to, the manner in which an 2545
eligible lending institution, as defined in section 135.62 of the 2546
Revised Code, or eligible savings institution, as defined in 2547
section 135.70 of the Revised Code, is designated, and the manner 2548
in which linked deposits are placed, purchased, designated, held, 2549
and collateralized. 2550

(C) Notwithstanding any contrary provision of the Revised 2551
Code, the treasurer of state may require an eligible credit union, 2552
as defined in section 135.62 of the Revised Code, that holds 2553
linked deposits under this chapter to pay interest at a rate not 2554
lower than the product of the prevailing interest rate multiplied 2555
by the sum of one plus the treasurer of state's assessment rate. 2556
The treasurer of state may, in accordance with section 119.03 of 2557
the Revised Code, adopt rules necessary for the implementation of 2558
this division. 2559

Sec. 135.62. As used in sections 135.62 to 135.66 of the 2560
Revised Code: 2561

(A) "Discount interest rate" means an interest rate below the 2562
prevailing interest rate that the treasurer of state determines 2563
eligible lending institutions are willing to pay to hold linked 2564
deposits. 2565

(B) "Eligible borrower" means a borrower that has met all the requirements necessary to participate in the adoption linked deposit program under section 135.63 of the Revised Code, agricultural linked deposit program under section 135.64 of the Revised Code, small business linked deposit program under section 135.65 of the Revised Code, or home improvement linked deposit program under section 135.66 of the Revised Code.

(C) "Eligible credit union" means, notwithstanding any contrary provision of sections 135.01 to 135.21 of the Revised Code, a federal credit union, a foreign credit union licensed pursuant to section 1733.39 of the Revised Code, or a credit union as defined in section 1733.01 of the Revised Code, located in this state.

(D) "Eligible lending institution" means a financial institution that is eligible to make loans, agrees to participate in the applicable linked deposit program, and is one of the following:

(1) A public depository of state funds, or an eligible credit union designated under division (A) of section 135.12 of the Revised Code;

(2) For the agricultural linked deposit program, notwithstanding any contrary provision of sections 135.01 to 135.21 of the Revised Code, an institution of the farm credit system organized under the federal "Farm Credit Act of 1971," 85 Stat. 583, 12 U.S.C. 2001, as amended.

(E) "Homestead" means a dwelling owned and occupied in this state as a single-family primary residence by an individual for the purpose of qualifying for the home improvement linked deposit program. "Homestead" includes a house, condo, a unit in a multiple-unit dwelling, manufactured home or mobile home taxed as

real property pursuant to division (B) of section 4503.06 of the Revised Code, or any other building with a residential classification, as allowed by the treasurer of state. "Homestead" includes so much of the land surrounding the dwelling as is reasonably necessary for the use of the dwelling as a residence, as determined by the treasurer of state.

(F) "Linked deposit" means a certificate of deposit, a share certificate, other financial institution instrument, or portion of an existing deposit of interim funds made in accordance with section 135.09 of the Revised Code placed, purchased, or designated by the treasurer of state with an eligible lending institution; provided the institution agrees to lend up to the value of such certificate of deposit, share certificate, or other financial institution instrument, or designated portion of an existing deposit to eligible borrowers for applicable linked deposit programs at the rate established in division (A) of section 135.624 of the Revised Code, and in accordance with the deposit agreement provided in section 135.623 of the Revised Code.

(G) "Linked deposit program" means a program authorized under sections 135.61 to 135.66 of the Revised Code and established by the treasurer of state pursuant to such sections.

(H) "Loan" means a contractual agreement under which an eligible lending institution agrees to lend money to an eligible borrower in the form of an upfront lump sum, a line of credit, or any other reasonable arrangement approved by the treasurer of state.

(I) "Manufactured home" has the same meaning as in section 3781.06 of the Revised Code.

(J) "Mobile home" has the same meaning as in section 4501.01 of the Revised Code.

<u>(K) "Other financial institution instrument" means:</u>	2626
<u>(1) For the agricultural linked deposit program under section</u>	2627
<u>135.64 of the Revised Code, an investment by the treasurer of</u>	2628
<u>state in bonds, notes, debentures, or other obligations or</u>	2629
<u>securities issued by the federal farm credit bank with regard to</u>	2630
<u>an eligible lending institution;</u>	2631
<u>(2) For all linked deposit programs other than the</u>	2632
<u>agricultural linked deposit program, a product that otherwise</u>	2633
<u>would pay the prevailing interest rate approved by the treasurer</u>	2634
<u>of state, for the purpose of providing eligible borrowers with the</u>	2635
<u>benefits of the applicable linked deposit program, and in</u>	2636
<u>accordance with the deposit agreement provided in section 135.623</u>	2637
<u>of the Revised Code.</u>	2638
<u>(L) "Owner" includes a holder of one of the several estates</u>	2639
<u>in fee, a vendee in possession under a purchase agreement or a</u>	2640
<u>land contract, a mortgagor, a life tenant, one or more tenants</u>	2641
<u>with a right of survivorship, tenants in common, a settlor of a</u>	2642
<u>revocable or irrevocable inter vivos trust holding the title to a</u>	2643
<u>homestead occupied by the settlor as of right under the trust, or</u>	2644
<u>any other determination as made by the treasurer of state.</u>	2645
<u>(M) "Prevailing interest rate" means a current market</u>	2646
<u>interest rate selected by the treasurer of state that eligible</u>	2647
<u>lending institutions are willing to pay to hold deposits of the</u>	2648
<u>treasurer of state.</u>	2649
<u>(N) "Qualifying adoption expense" means any expense incurred</u>	2650
<u>to legally adopt a child as described in division (C) of section</u>	2651
<u>3107.055 of the Revised Code, including any costs incurred by the</u>	2652
<u>eligible borrower proximately relating to the completion and</u>	2653
<u>approval of the home study under section 3107.031 of the Revised</u>	2654
<u>Code, and any other expense as determined by the treasurer of</u>	2655

state. 2656

(O) "Treasurer of state's assessment rate" means a rate not 2657
exceeding ten per cent that is calculated in a manner determined 2658
by the treasurer of state and that seeks to account for the effect 2659
that varying tax treatment among different types of financial 2660
institutions has on the ability of financial institutions to pay 2661
competitive interest rates to hold deposits. 2662

Sec. 135.621. (A) An eligible lending institution that 2663
desires to receive a linked deposit shall accept and review 2664
applications for loans from eligible borrowers for linked deposit 2665
programs in which the eligible lending institution participates. 2666
The eligible lending institution shall apply all usual lending 2667
standards to determine the credit worthiness of each eligible 2668
borrower. No loan shall exceed the amount determined by the 2669
treasurer of state. 2670

(B) An eligible borrower shall certify on its loan 2671
application that the reduced rate loan will be used exclusively 2672
for the purposes of the applicable linked deposit program, as 2673
described in section 135.63, 135.64, 135.65, or 135.66 of the 2674
Revised Code. Whoever knowingly makes a false statement concerning 2675
such application is guilty of the offense of falsification under 2676
section 2921.13 of the Revised Code. 2677

(C) The eligible lending institution shall forward to the 2678
treasurer of state a linked deposit loan package, in the form and 2679
manner prescribed by the treasurer of state. The package shall 2680
include such information as required by the treasurer of state, 2681
including the amount of each loan requested by each eligible 2682
borrower and all other information as described in section 135.63, 2683
135.64, 135.65, or 135.66 of the Revised Code for the applicable 2684
linked deposit program. The institution shall certify both of the 2685

<u>following:</u>	2686
<u>(1) That each applicant is an eligible borrower and, for each such eligible borrower, the present borrowing rate;</u>	2687 2688
<u>(2) That the eligible lending institution applied all of its usual lending standards to determine the credit worthiness of each eligible borrower.</u>	2689 2690 2691
<u>(D) No fee shall be charged to any party for the preparation, processing, or reporting of any application to an eligible lending institution or the treasurer of state for participation in a linked deposit program.</u>	2692 2693 2694 2695
<u>Sec. 135.622. (A) The treasurer of state may accept or reject a linked deposit loan package, or any portion of it, based on the treasurer of state's evaluation of the eligible borrowers included in the package, the amount of individual loans in the package, and the amount of state funds to be deposited with an eligible lending institution.</u>	2696 2697 2698 2699 2700 2701
<u>(B) Upon acceptance of the linked deposit loan package or any portion of it, the treasurer of state may place, purchase, or designate a linked deposit with the eligible lending institution at the discount interest rate, and in accordance with the deposit agreement required under section 135.623 of the Revised Code and the procedures established by the treasurer of state.</u>	2702 2703 2704 2705 2706 2707
<u>(C) Eligible lending institutions shall fully comply with this chapter.</u>	2708 2709
<u>Sec. 135.623. (A) An eligible lending institution shall enter into a deposit agreement with the treasurer of state, which shall include requirements necessary to carry out the purposes of sections 135.62 to 135.66 of the Revised Code.</u>	2710 2711 2712 2713

(B) The deposit agreement shall specify the maturity period of the linked deposit considered appropriate by the treasurer of state, which shall not exceed five years, as well as any other information, terms, or conditions the treasurer of state may require. Interest shall be paid by the eligible lending institution at times determined by the treasurer of state.

Sec. 135.624. (A) Upon the treasurer of state placing, purchasing, or designating a linked deposit, the eligible lending institution shall lend the corresponding funds to each approved eligible borrower listed in the accepted linked deposit loan package, and in accordance with the deposit agreement required by section 135.623 of the Revised Code. Unless otherwise specified in the deposit agreement, the interest rates on the loans to such eligible borrowers shall be at a rate equal to or greater than the present borrowing rate applicable to each specific eligible borrower in the accepted linked deposit loan package minus the difference between the prevailing interest rate and the discount interest rate at which the linked deposits were placed, made, or designated.

(B) The eligible lending institution shall provide to the treasurer of state a certificate of compliance with division (A) of this section, in the form and manner prescribed by the treasurer of state.

(C) Upon the conclusion of the maturity period, the treasurer of state may allow for the renewal of an application for a linked deposit program with the same terms for one or more additional maturity periods if certain requirements are met, as determined by the treasurer of state. In the event the treasurer of state does not allow for renewal, the requirements are not met, or the eligible borrower is not eligible for a renewal, an eligible

borrower may submit a new application to participate in a linked 2744
deposit program. 2745

(D) At the time of maturity or upon the repayment of a loan 2746
in its entirety, whichever is earlier, the eligible lending 2747
institution shall return the amount of the corresponding linked 2748
deposit to the treasurer of state in a timely manner, as 2749
prescribed by the treasurer of state. 2750

(E) The treasurer of state shall take any and all steps 2751
necessary to implement and administer the linked deposit programs, 2752
including the development of guidelines as necessary. 2753

Sec. 135.625. (A) The state and the treasurer of state are 2754
not liable to any eligible lending institution or any eligible 2755
borrower in any manner for payment of the principal or interest on 2756
a loan to an eligible borrower. Any delay in payments, default on 2757
the part of an eligible borrower, or misuse or misconduct on the 2758
part of an eligible lending institution or eligible borrower does 2759
not in any manner affect the deposit agreement required by section 2760
135.623 of the Revised Code between the eligible lending 2761
institution and the treasurer of state. 2762

(B) If an eligible lending institution changes the terms of a 2763
loan to an eligible borrower because of a delay in payments or 2764
default, the amount of the linked deposit associated with the loan 2765
plus applicable interest and without early withdrawal penalties 2766
shall be returned to the treasurer of state by the eligible 2767
lending institution in a timely manner as prescribed by the 2768
treasurer of state. 2769

Sec. 135.63. (A) The general assembly finds that 2770
strengthening families across Ohio is critical toward ensuring the 2771
long-term prosperity of the state. However, the upfront financial 2772

costs associated with adoption often deter families from pursuing 2773
the adoption process. Accordingly, it is declared to be the public 2774
policy of the state through the adoption linked deposit program to 2775
create the availability of reduced rate loans to reduce the 2776
financial burden of adoption and to strengthen families in this 2777
state. 2778

(B) An eligible borrower for the adoption linked deposit 2779
program is an individual who is a resident of this state and to 2780
whom either of the following applies: 2781

(1) The individual completes a home study pursuant to section 2782
3107.031 of the Revised Code and is approved to adopt. 2783

(2) The individual is pursuing an adoption through the public 2784
foster care system and meets the requirements set by the 2785
department of job and family services. 2786

(C) An eligible lending institution for the adoption linked 2787
deposit program must be able to make secured or unsecured personal 2788
loans. 2789

(D) An eligible borrower shall certify on the loan 2790
application that the reduced rate loan will be used exclusively to 2791
pay for qualifying adoption expenses. 2792

Sec. 135.64. (A) The general assembly finds that Ohio's 2793
agricultural industry has long served as a critical component of 2794
the state's overall economy. However, an inadequate supply of 2795
affordable financing options that meet the needs of Ohio's 2796
agricultural community and other various economic pressures pose 2797
an ongoing challenge for farmers, agribusiness, and agricultural 2798
cooperatives as they work to grow or maintain sufficient 2799
operations throughout the year. Accordingly, it is declared to be 2800

the public policy of the state through the agricultural linked 2801
deposit program to create the availability of reduced rate loans 2802
to inject needed capital into the agricultural community, sustain 2803
or improve agricultural economic growth and profitability, and 2804
protect a core driver of the state's economy. 2805

(B) An eligible borrower for the agricultural linked deposit 2806
program is any person engaged in agriculture that has all the 2807
following characteristics: 2808

(1) Is headquartered or domiciled in this state; 2809

(2) Maintains land or facilities for agricultural purposes in 2810
this state, provided that the land or facilities within this state 2811
comprise not less than fifty-one per cent of the total of all 2812
lands or facilities maintained by the person; 2813

(3) Is either organized for profit or as an agricultural 2814
cooperative as defined in section 1729.01 of the Revised Code. 2815

(C) An eligible lending institution for the agricultural 2816
linked deposit program must be able to make commercial loans. 2817

(D) An eligible borrower shall certify on the loan 2818
application that the reduced rate loan will be used exclusively 2819
for agricultural purposes on land or in facilities owned or 2820
operated by the eligible borrower in this state and that the loan 2821
will materially contribute to the preservation or growth of the 2822
business. 2823

Sec. 135.65. (A) The general assembly finds that small 2824
businesses make significant contributions to the state's economic 2825
well-being. However, various economic challenges, such as 2826
tightened capital availability, inflationary pressures, or rising 2827
interest rates, can cause disproportionate harm to small 2828

businesses and discourage aspiring job creators from taking root 2829
in Ohio. Accordingly, it is declared to be the public policy of 2830
the state through the small business linked deposit program to 2831
create the availability of reduced rate loans to inject needed 2832
capital into the business community, sustain or improve small 2833
business growth profitability, protect the jobs of residents, and 2834
foster economic growth and development within Ohio's small 2835
businesses. 2836

(B) An eligible borrower for the small business linked 2837
deposit program is any person, including a person engaged in 2838
agriculture, that has all the following characteristics: 2839

(1) Is headquartered or domiciled in this state; 2840

(2) Maintains offices or operating facilities in this state, 2841
provided that the offices or operating facilities within the state 2842
comprise not less than fifty-one per cent of the total of all 2843
offices and operating facilities maintained by the business; 2844

(3) Employs fewer than one hundred fifty employees, not less 2845
than fifty-one per cent of whom are residents of this state; 2846

(4) Is organized for profit. 2847

(C) An eligible lending institution for the small business 2848
linked deposit program must be able to make commercial loans. 2849

(D) An eligible borrower shall certify on the loan 2850
application that the reduced rate loan will be used exclusively in 2851
this state to create new jobs, preserve existing jobs and 2852
employment opportunities, or materially contribute to the 2853
preservation or growth of the business. 2854

Sec. 135.66. (A) The general assembly finds that making 2855
homeownership and maintenance costs more affordable is an 2856

important part of fostering a robust and lasting population across 2857
the state. However, homeowners often struggle to find adequate and 2858
affordable financing options to pursue home improvement, home 2859
restoration, or similar types of projects and upgrades aimed at 2860
maintaining or increasing the livability and value of a home. 2861
Accordingly, it is declared to be the public policy of the state 2862
through the home improvement linked deposit program to create the 2863
availability of reduced rate loans to improve, maintain, or 2864
restore an existing homestead. 2865

(B) An eligible borrower for the home improvement linked 2866
deposit program is any individual who is a resident of this state 2867
and to whom both of the following apply: 2868

(1) The individual is the owner of an existing homestead 2869
located in this state. 2870

(2) The loan will be used to improve or maintain that 2871
existing homestead. 2872

(C) An eligible lending institution for the home improvement 2873
linked deposit program must be able to make residential or secured 2874
or unsecured personal loans. 2875

(D) An eligible borrower shall certify on the loan 2876
application that the reduced rate loan will be used exclusively to 2877
improve, maintain, or restore the eligible borrower's existing 2878
homestead, in accordance with the program goals outlined in 2879
division (A) of this section. 2880

(E) An eligible borrower shall include in the loan 2881
application official estimates or receipts for the total amount of 2882
the loan. 2883

Sec. 135.70. As used in sections 135.70 to 135.71 of the 2884

<u>Revised Code:</u>	2885
<u>(A) "Closing costs" means a disbursement listed on a closing disclosure for the purchase of a home by an eligible participant.</u>	2886 2887
<u>(B) "Closing disclosure" means the statement of receipts and disbursements for a transaction related to real estate, including a statement prescribed under the Real Estate Settlement Procedures Act of 1974, 12 U.S.C. 2601 et seq., as amended, and the regulations thereunder.</u>	2888 2889 2890 2891 2892
<u>(C) "Discount interest rate" means an interest rate below the prevailing interest rate that the treasurer of state determines eligible savings institutions are willing to pay to hold linked deposits.</u>	2893 2894 2895 2896
<u>(D) "Eligible credit union" has the same meaning as in section 135.62 of the Revised Code.</u>	2897 2898
<u>(E) "Eligible home costs" means the down payment and closing costs for the purchase of a home by an eligible participant, or the transfer of funds from one homeownership savings account to another homeownership savings account at a different eligible savings institution.</u>	2899 2900 2901 2902 2903
<u>(F) "Eligible participant" means an individual who has met all of the requirements necessary to participate in the specific linked deposit program for they have applied.</u>	2904 2905 2906
<u>(G) "Eligible program costs" means costs corresponding to the purpose of the eligible linked deposit program.</u>	2907 2908
<u>(H) "Eligible savings institution" means a financial institution that:</u>	2909 2910
<u>(1) Offers accounts to residents of this state to save for the purposes related to the applicable linked deposit program;</u>	2911 2912

<u>(2) Agrees to participate in the applicable linked deposit program;</u>	2913
	2914
<u>(3) Is a public depository of state funds, or an eligible credit union designated under division (A) of section 135.12 of the Revised Code.</u>	2915
	2916
	2917
<u>(I) "Home" means a dwelling in this state to be owned and occupied as a single-family primary residence by an eligible participant. "Home" includes a house, condo, unit in a multiple-unit dwelling, manufactured home or mobile home taxed as real property pursuant to division (B) of section 4503.06 of the Revised Code, or any other building with a residential classification, as allowed by the treasurer of state, and includes so much of the land surrounding the dwelling as is reasonably necessary for the use of the dwelling as a residence, as determined by the treasurer of state.</u>	2918
	2919
	2920
	2921
	2922
	2923
	2924
	2925
	2926
	2927
<u>(J) "Homeownership savings account" means a linked deposit savings account opened exclusively for the purpose of paying eligible home costs and in compliance with the requirements of section 135.71 of the Revised Code.</u>	2928
	2929
	2930
	2931
<u>(K) "Linked deposit" means a certificate of deposit, share certificate, other financial institution instrument, or portion of an existing deposit of interim funds made in accordance with section 135.09 of the Revised Code that is placed, purchased, or designated by the treasurer of state with an eligible savings institution; provided the institution agrees to pay the premium savings rate to approved eligible participants, in accordance with the deposit agreement required by section 135.703 of the Revised Code.</u>	2932
	2933
	2934
	2935
	2936
	2937
	2938
	2939
	2940
<u>(L) "Linked deposit program" means a program authorized under section 135.61 and sections 135.70 to 135.71 of the Revised Code</u>	2941
	2942

and established by the treasurer of state pursuant to those 2943
sections. 2944

(M) "Linked deposit savings account" means an 2945
interest-bearing account that is opened by an eligible participant 2946
at an eligible savings institution exclusively for the purpose of 2947
the applicable linked deposit program. 2948

(N) "Manufactured home" has the same meaning as in section 2949
3781.06 of the Revised Code. 2950

(O) "Mobile home" has the same meaning as in section 4501.01 2951
of the Revised Code. 2952

(P) "Other financial institution instrument" means a product 2953
that otherwise would pay the prevailing interest rate approved by 2954
the treasurer of state, for the purpose of providing eligible 2955
participants with the benefits of the applicable linked deposit 2956
program, and in accordance with the deposit agreement under 2957
section 135.703 of the Revised Code. 2958

(Q) "Premium savings rate" means a rate, established under 2959
section 135.704 of the Revised Code, that reflects the percentage 2960
rate increase above the present savings rate, as determined by the 2961
eligible savings institution, applicable to each eligible 2962
participant. 2963

(R) "Prevailing interest rate" means a current market 2964
interest rate selected by the treasurer of state that eligible 2965
savings institutions are willing to pay to hold deposits of the 2966
treasurer of state. 2967

(S) "Program period" means five years from the date the 2968
eligible participant opens a linked deposit savings account with 2969
the eligible savings institution. 2970

(T) "Treasurer of state's assessment rate" has the same 2971

meaning as in section 135.62 of the Revised Code. 2972

Sec. 135.701. (A) An eligible savings institution that 2973
desires to receive a linked deposit shall accept and review 2974
applications for a linked deposit savings account from eligible 2975
participants for linked deposit programs in which the eligible 2976
savings institution participates. 2977

(B)(1) An eligible participant shall certify on its linked 2978
deposit savings account application all of the following: 2979

(a) The eligible participant is a resident of this state. 2980

(b) The funds in the linked deposit savings account shall be 2981
used exclusively for eligible program costs of the applicable 2982
linked deposit program. 2983

(c) The eligible participant shall hold not more than one 2984
linked deposit savings account per program period at any eligible 2985
savings institution. 2986

(2) Whoever knowingly makes a false statement concerning such 2987
application is guilty of the offense of falsification under 2988
section 2921.13 of the Revised Code. 2989

(C) The eligible savings institution shall forward to the 2990
treasurer of state a linked deposit savings package, in the form 2991
and manner as prescribed by the treasurer of state. The package 2992
shall include such information as required by the treasurer of 2993
state. The institution shall certify that each applicant included 2994
in the linked deposit savings package is an eligible participant. 2995

(D) No fee shall be charged to any party for the preparation, 2996
processing, or reporting of any application to an eligible savings 2997
institution for participation in a linked deposit program. 2998

Sec. 135.702. (A) The treasurer of state may accept or reject a linked deposit savings package, or any portion of it, based on the treasurer of state's evaluation of the amount of state funds to be deposited with an eligible savings institution.

(B) Upon acceptance of the linked deposit savings package or any portion of it, the treasurer of state may place, purchase, or designate a linked deposit with the eligible savings institution at the discount interest rate, and in accordance with the deposit agreement required under section 135.703 of the Revised Code and the procedures established by the treasurer of state.

(C) Eligible savings institutions shall fully comply with this chapter.

Sec. 135.703. (A) An eligible savings institution shall enter into a deposit agreement with the treasurer of state, which shall include the requirements necessary to carry out the purposes of sections 135.70 to 135.71 of the Revised Code.

(B) The deposit agreement shall specify the maturity period of the linked deposit considered appropriate by the treasurer of state, which shall not exceed the length of the program period, as well as any other information, terms, or conditions the treasurer of state may require. Interest shall be paid by the eligible savings institution at the times determined by the treasurer of state.

Sec. 135.704. (A)(1) Upon the treasurer of state placing, purchasing, or designating a linked deposit, the eligible savings institution shall offer the premium savings rate on a linked deposit savings account to each approved eligible participant listed in the accepted linked deposit savings package, and in

accordance with the deposit agreement required by section 135.703 3027
of the Revised Code. The premium savings rate shall apply to a 3028
linked deposit savings account as determined by the treasurer of 3029
state. Unless otherwise specified in the deposit agreement, the 3030
premium savings rate shall be at a rate equal to or greater than 3031
the present savings rate applicable to each specific eligible 3032
participant in the accepted linked deposit savings package plus 3033
the difference between the prevailing interest rate and the 3034
discount interest rate at which the linked deposits were placed, 3035
made, or designated . 3036

(2) The premium savings rate shall only apply to a linked 3037
deposit savings account for the duration of the program period. 3038
After such time, the eligible participant's savings account is no 3039
longer a linked deposit savings account, and the eligible savings 3040
institution may determine and apply a market interest rate to the 3041
account. 3042

(B) The eligible savings institution shall provide to the 3043
treasurer of state a certificate of compliance with division (A) 3044
of this section in the form and manner prescribed by the treasurer 3045
of state. 3046

(C) At the time of maturity, the eligible savings institution 3047
shall return the amount of the corresponding linked deposit to the 3048
treasurer of state in a timely manner, as prescribed by the 3049
treasurer of state. 3050

(D) The treasurer of state shall take any and all steps 3051
necessary to implement and administer the linked deposit programs, 3052
including the development of any guidelines as necessary. 3053

Sec. 135.705. (A) The state and the treasurer of state are 3054
not liable to any eligible savings institution or any eligible 3055

participant in any manner for the terms associated with a linked 3056
deposit savings account. Any misuse or misconduct on the part of 3057
an eligible savings institution or eligible participant does not 3058
in any manner affect the deposit agreement required by section 3059
135.703 of the Revised Code between the eligible savings 3060
institution and the treasurer of state. 3061

(B) If an eligible savings institution changes the terms of 3062
an eligible participant's linked deposit savings account, the 3063
amount of the linked deposit associated with the linked deposit 3064
savings account plus applicable interest and without early 3065
withdrawal penalties shall be returned to the treasurer of state 3066
by the eligible savings institution in a timely manner, as 3067
prescribed by the treasurer of state. 3068

Sec. 135.71. (A) The general assembly finds that making 3069
homeownership more attainable is an important part of fostering a 3070
robust and lasting population across the state. However, 3071
individuals often struggle to accumulate the financial resources 3072
needed to purchase a home. Accordingly, it is declared to be the 3073
public policy of the state through the homeownership savings 3074
linked deposit program to make available premium rate savings 3075
accounts for the down payment and closing costs associated with 3076
the purchase of a home. 3077

(B) An eligible participant for the homeownership savings 3078
linked deposit program is an individual who is a resident of this 3079
state and has applied for a homeownership savings account at an 3080
eligible savings institution. 3081

(C) An eligible participant shall certify on the application 3082
that the funds in the homeownership savings account shall be used 3083
exclusively for eligible home costs. 3084

(D) A homeownership savings account shall be owned by not more than one eligible participant and an eligible participant shall hold not more than one homeownership savings account per program period at any eligible savings institution.

(E) Not later than January 31, 2027, the treasurer of state and the tax commissioner shall issue a report regarding the efficacy of the homeownership savings linked deposit program. The report shall include all of the following:

- (1) The number of homeownership savings accounts created;
- (2) The number of participating eligible savings institutions;
- (3) The total amount contributed into the accounts;
- (4) The average yield on the accounts;
- (5) Any other information the treasurer of state or tax commissioner deems relevant.

The report shall be delivered to the governor, the speaker of the house of representatives, and the president of the senate.

Sec. 169.053. (A) As used in this section, "state of Ohio coupon bond" means property, tangible or intangible, in the form of a coupon bond and its related interest coupons issued by this state prior to 1985 and to which all of the following apply:

- (1) It has matured, been called and defeased, or otherwise become due and payable.
- (2) Either the treasurer of state or the trustee bank is the paying agent.
- (3) The owner has neither registered the bond or interest coupon nor claimed the bond's principal or interest.

(B) Notwithstanding any provision of the Revised Code to the contrary, state of Ohio coupon bonds held by any person, business, or state or other government, political subdivision, agency, or instrumentality, and all proceeds thereof, shall be presumed abandoned in this state and constitute unclaimed funds under this chapter if both of the following apply:

(1) The owner of the state of Ohio coupon bond or interest coupon is unknown to the treasurer of state.

(2) The state of Ohio coupon bond's principal or interest has remained unclaimed and unredeemed for three years after final maturity, call date, interest payment date, or other payment date.

(C) State of Ohio coupon bonds that are presumed abandoned and constitute unclaimed funds under division (B) of this section, including bonds in the possession of the director of commerce, shall escheat to the state three years after becoming abandoned and unclaimed property. All property rights and legal title to and ownership of such bonds or interest coupons or proceeds from such bonds or interest coupons, including all rights, powers, and privileges of survivorship of any owner, co-owner, or beneficiary, shall vest solely in this state as provided in divisions (D) to (H) of this section.

(D) If, within one hundred eighty days after the three-year period prescribed under division (C) of this section, no claim has been filed under this chapter for the bond, the director shall commence a civil action in a court of competent jurisdiction for a determination that the bond escheats to the state. The director may postpone the commencement of an action until a sufficient number of bonds have accumulated in the director's custody to justify the expense of the proceedings.

(E) Service by publication shall be made in accordance with

Rule 4.4 of the Rules of Civil Procedure. 3142

(F) If no person files a claim or appears at the hearing to 3143
substantiate a claim or if the court determines that a claimant is 3144
not entitled to the property claimed, and if the court is 3145
satisfied by the evidence that the director has substantially 3146
complied with the laws of this state, the court shall enter a 3147
judgment that the bonds have escheated to the state and all 3148
property rights and legal title to and ownership of the bonds or 3149
the proceeds from the bonds, including all rights, powers, and 3150
privileges of survivorship of any owner, co-owner, or beneficiary, 3151
have vested solely in the state. 3152

(G) The director shall redeem the state of Ohio coupon bonds 3153
escheated to the state by judgment of the court. When the proceeds 3154
that have escheated have been recovered by the director, the 3155
director shall pay all costs incident to the collection and 3156
recovery of the proceeds from the redemption of the bonds and 3157
disburse the remaining balance of the proceeds in the manner 3158
provided under section 169.05 of the Revised Code for all other 3159
unclaimed funds. 3160

(H) Notwithstanding section 169.08 of the Revised Code, any 3161
person claiming a state of Ohio coupon bond that has escheated to 3162
the state under this section, or for the proceeds from the bond, 3163
may file a claim with the director. Upon providing sufficient 3164
proof of the validity of the person's claim, the director may, in 3165
the director's discretion, pay the claim less any expenses and 3166
costs incurred by the state in securing full title and ownership 3167
of the property by escheat. If payment has been made to a 3168
claimant, no action thereafter may be maintained by any other 3169
claimant against the state or any officer of the state, for or on 3170
account of the payment of the claim. 3171

Sec. 718.01. Any term used in this chapter that is not 3172
 otherwise defined in this chapter has the same meaning as when 3173
 used in a comparable context in laws of the United States relating 3174
 to federal income taxation or in Title LVII of the Revised Code, 3175
 unless a different meaning is clearly required. Except as provided 3176
 in section 718.81 of the Revised Code, if a term used in this 3177
 chapter that is not otherwise defined in this chapter is used in a 3178
 comparable context in both the laws of the United States relating 3179
 to federal income tax and in Title LVII of the Revised Code and 3180
 the use is not consistent, then the use of the term in the laws of 3181
 the United States relating to federal income tax shall control 3182
 over the use of the term in Title LVII of the Revised Code. 3183

Except as otherwise provided in section 718.81 of the Revised 3184
 Code, as used in this chapter: 3185

(A)(1) "Municipal taxable income" means the following: 3186

(a) For a person other than an individual, income apportioned 3187
 or situated to the municipal corporation under section 718.02 of 3188
 the Revised Code, as applicable, reduced by any pre-2017 net 3189
 operating loss carryforward available to the person for the 3190
 municipal corporation. 3191

(b)(i) For an individual who is a resident of a municipal 3192
 corporation other than a qualified municipal corporation, income 3193
 reduced by exempt income to the extent otherwise included in 3194
 income, then reduced as provided in division (A)(2) of this 3195
 section, and further reduced by any pre-2017 net operating loss 3196
 carryforward available to the individual for the municipal 3197
 corporation. 3198

(ii) For an individual who is a resident of a qualified 3199
 municipal corporation, Ohio adjusted gross income reduced by 3200

income exempted, and increased by deductions excluded, by the
 qualified municipal corporation from the qualified municipal
 corporation's tax. If a qualified municipal corporation, on or
 before December 31, 2013, exempts income earned by individuals who
 are not residents of the qualified municipal corporation and net
 profit of persons that are not wholly located within the qualified
 municipal corporation, such individual or person shall have no
 municipal taxable income for the purposes of the tax levied by the
 qualified municipal corporation and may be exempted by the
 qualified municipal corporation from the requirements of section
 718.03 of the Revised Code.

(c) For an individual who is a nonresident of a municipal
 corporation, income reduced by exempt income to the extent
 otherwise included in income and then, as applicable, apportioned
 or situated to the municipal corporation under section 718.02 of
 the Revised Code, then reduced as provided in division (A)(2) of
 this section, and further reduced by any pre-2017 net operating
 loss carryforward available to the individual for the municipal
 corporation.

(2) In computing the municipal taxable income of a taxpayer
 who is an individual, the taxpayer may subtract, as provided in
 division (A)(1)(b)(i) or (c) of this section, the amount of the
 individual's employee business expenses reported on the
 individual's form 2106 that the individual deducted for federal
 income tax purposes for the taxable year, subject to the
 limitation imposed by section 67 of the Internal Revenue Code. For
 the municipal corporation in which the taxpayer is a resident, the
 taxpayer may deduct all such expenses allowed for federal income
 tax purposes. For a municipal corporation in which the taxpayer is
 not a resident, the taxpayer may deduct such expenses only to the
 extent the expenses are related to the taxpayer's performance of

personal services in that nonresident municipal corporation. 3232

(B) "Income" means the following: 3233

(1)(a) For residents, all income, salaries, qualifying wages, 3234
 commissions, and other compensation from whatever source earned or 3235
 received by the resident, including the resident's distributive 3236
 share of the net profit of pass-through entities owned directly or 3237
 indirectly by the resident and any net profit of the resident, 3238
 except as provided in division (D)(5) of this section. 3239

(b) For the purposes of division (B)(1)(a) of this section: 3240

(i) Any net operating loss of the resident incurred in the 3241
 taxable year and the resident's distributive share of any net 3242
 operating loss generated in the same taxable year and attributable 3243
 to the resident's ownership interest in a pass-through entity 3244
 shall be allowed as a deduction, for that taxable year and the 3245
 following five taxable years, against any other net profit of the 3246
 resident or the resident's distributive share of any net profit 3247
 attributable to the resident's ownership interest in a 3248
 pass-through entity until fully utilized, subject to division 3249
 (B)(1)(d) of this section; 3250

(ii) The resident's distributive share of the net profit of 3251
 each pass-through entity owned directly or indirectly by the 3252
 resident shall be calculated without regard to any net operating 3253
 loss that is carried forward by that entity from a prior taxable 3254
 year and applied to reduce the entity's net profit for the current 3255
 taxable year. 3256

(c) Division (B)(1)(b) of this section does not apply with 3257
 respect to any net profit or net operating loss attributable to an 3258
 ownership interest in an S corporation unless shareholders' 3259
 distributive shares of net profits from S corporations are subject 3260

to tax in the municipal corporation as provided in division	3261
(C)(14)(b) or (c) of this section.	3262
(d) Any amount of a net operating loss used to reduce a	3263
taxpayer's net profit for a taxable year shall reduce the amount	3264
of net operating loss that may be carried forward to any	3265
subsequent year for use by that taxpayer. In no event shall the	3266
cumulative deductions for all taxable years with respect to a	3267
taxpayer's net operating loss exceed the original amount of that	3268
net operating loss available to that taxpayer.	3269
(2) In the case of nonresidents, all income, salaries,	3270
qualifying wages, commissions, and other compensation from	3271
whatever source earned or received by the nonresident for work	3272
done, services performed or rendered, or activities conducted in	3273
the municipal corporation, including any net profit of the	3274
nonresident, but excluding the nonresident's distributive share of	3275
the net profit or loss of only pass-through entities owned	3276
directly or indirectly by the nonresident.	3277
(3) For taxpayers that are not individuals, net profit of the	3278
taxpayer;	3279
(4) Lottery, sweepstakes, gambling and sports winnings,	3280
winnings from games of chance, and prizes and awards. If the	3281
taxpayer is a professional gambler for federal income tax	3282
purposes, the taxpayer may deduct related wagering losses and	3283
expenses to the extent authorized under the Internal Revenue Code	3284
and claimed against such winnings.	3285
(C) "Exempt income" means all of the following:	3286
(1) The military pay or allowances of members of the armed	3287
forces of the United States or members of their reserve	3288
components, including the national guard of any state;	3289

(2)(a) Except as provided in division (C)(2)(b) of this section, intangible income; 3290
3291

(b) A municipal corporation that taxed any type of intangible income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 116th general assembly, may continue to tax that type of income if a majority of the electors of the municipal corporation voting on the question of whether to permit the taxation of that type of intangible income after 1988 voted in favor thereof at an election held on November 8, 1988. 3292
3293
3294
3295
3296
3297
3298

(3) Social security benefits, railroad retirement benefits, unemployment compensation, pensions, retirement benefit payments, payments from annuities, and similar payments made to an employee or to the beneficiary of an employee under a retirement program or plan, disability payments received from private industry or local, state, or federal governments or from charitable, religious or educational organizations, and the proceeds of sickness, accident, or liability insurance policies. As used in division (C)(3) of this section, "unemployment compensation" does not include supplemental unemployment compensation described in section 3402(o)(2) of the Internal Revenue Code. 3299
3300
3301
3302
3303
3304
3305
3306
3307
3308
3309

(4) The income of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent such income is derived from tax-exempt real estate, tax-exempt tangible or intangible property, or tax-exempt activities. 3310
3311
3312
3313

(5) Compensation paid under section 3501.28 or 3501.36 of the Revised Code to a person serving as a precinct election official to the extent that such compensation does not exceed one thousand dollars for the taxable year. Such compensation in excess of one thousand dollars for the taxable year may be subject to taxation by a municipal corporation. A municipal corporation shall not 3314
3315
3316
3317
3318
3319

require the payer of such compensation to withhold any tax from	3320
that compensation.	3321
(6) Dues, contributions, and similar payments received by	3322
charitable, religious, educational, or literary organizations or	3323
labor unions, lodges, and similar organizations;	3324
(7) Alimony and child support received;	3325
(8) Compensation for personal injuries or for damages to	3326
property from insurance proceeds or otherwise, excluding	3327
compensation paid for lost salaries or wages or compensation from	3328
punitive damages;	3329
(9) Income of a public utility when that public utility is	3330
subject to the tax levied under section 5727.24 or 5727.30 of the	3331
Revised Code. Division (C)(9) of this section does not apply for	3332
purposes of Chapter 5745. of the Revised Code.	3333
(10) Gains from involuntary conversions, interest on federal	3334
obligations, items of income subject to a tax levied by the state	3335
and that a municipal corporation is specifically prohibited by law	3336
from taxing, and income of a decedent's estate during the period	3337
of administration except such income from the operation of a trade	3338
or business;	3339
(11) Compensation or allowances excluded from federal gross	3340
income under section 107 of the Internal Revenue Code;	3341
(12) Employee compensation that is not qualifying wages as	3342
defined in division (R) of this section;	3343
(13) Compensation paid to a person employed within the	3344
boundaries of a United States air force base under the	3345
jurisdiction of the United States air force that is used for the	3346
housing of members of the United States air force and is a center	3347
for air force operations, unless the person is subject to taxation	3348

because of residence or domicile. If the compensation is subject 3349
to taxation because of residence or domicile, tax on such income 3350
shall be payable only to the municipal corporation of residence or 3351
domicile. 3352

(14)(a) Except as provided in division (C)(14)(b) or (c) of 3353
this section, an S corporation shareholder's distributive share of 3354
net profits of the S corporation, other than any part of the 3355
distributive share of net profits that represents wages as defined 3356
in section 3121(a) of the Internal Revenue Code or net earnings 3357
from self-employment as defined in section 1402(a) of the Internal 3358
Revenue Code. 3359

(b) If, pursuant to division (H) of former section 718.01 of 3360
the Revised Code as it existed before March 11, 2004, a majority 3361
of the electors of a municipal corporation voted in favor of the 3362
question at an election held on November 4, 2003, the municipal 3363
corporation may continue after 2002 to tax an S corporation 3364
shareholder's distributive share of net profits of an S 3365
corporation. 3366

(c) If, on December 6, 2002, a municipal corporation was 3367
imposing, assessing, and collecting a tax on an S corporation 3368
shareholder's distributive share of net profits of the S 3369
corporation to the extent the distributive share would be 3370
allocated or apportioned to this state under divisions (B)(1) and 3371
(2) of section 5733.05 of the Revised Code if the S corporation 3372
were a corporation subject to taxes imposed under Chapter 5733. of 3373
the Revised Code, the municipal corporation may continue to impose 3374
the tax on such distributive shares to the extent such shares 3375
would be so allocated or apportioned to this state only until 3376
December 31, 2004, unless a majority of the electors of the 3377
municipal corporation voting on the question of continuing to tax 3378

such shares after that date voted in favor of that question at an election held November 2, 2004. If a majority of those electors voted in favor of the question, the municipal corporation may continue after December 31, 2004, to impose the tax on such distributive shares only to the extent such shares would be so allocated or apportioned to this state.

(d) A municipal corporation shall be deemed to have elected to tax S corporation shareholders' distributive shares of net profits of the S corporation in the hands of the shareholders if a majority of the electors of a municipal corporation voted in favor of a question at an election held under division (C)(14)(b) or (c) of this section. The municipal corporation shall specify by resolution or ordinance that the tax applies to the distributive share of a shareholder of an S corporation in the hands of the shareholder of the S corporation.

(15) To the extent authorized under a resolution or ordinance adopted by a municipal corporation before January 1, 2016, all or a portion of the income of individuals or a class of individuals under eighteen years of age.

(16)(a) Except as provided in divisions (C)(16)(b), (c), and (d) of this section, qualifying wages described in division (B)(1) or (E) of section 718.011 of the Revised Code to the extent the qualifying wages are not subject to withholding for the municipal corporation under either of those divisions.

(b) The exemption provided in division (C)(16)(a) of this section does not apply with respect to the municipal corporation in which the employee resided at the time the employee earned the qualifying wages.

(c) The exemption provided in division (C)(16)(a) of this section does not apply to qualifying wages that an employer elects

to withhold under division (D)(2) of section 718.011 of the Revised Code. 3409
3410

(d) The exemption provided in division (C)(16)(a) of this section does not apply to qualifying wages if both of the following conditions apply: 3411
3412
3413

(i) For qualifying wages described in division (B)(1) of section 718.011 of the Revised Code, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employee's principal place of work is situated, or, for qualifying wages described in division (E) of section 718.011 of the Revised Code, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employer's fixed location is located; 3414
3415
3416
3417
3418
3419
3420
3421

(ii) The employee receives a refund of the tax described in division (C)(16)(d)(i) of this section on the basis of the employee not performing services in that municipal corporation. 3422
3423
3424

(17)(a) Except as provided in division (C)(17)(b) or (c) of this section, compensation that is not qualifying wages paid to a nonresident individual for personal services performed in the municipal corporation on not more than twenty days in a taxable year. 3425
3426
3427
3428
3429

(b) The exemption provided in division (C)(17)(a) of this section does not apply under either of the following circumstances: 3430
3431
3432

(i) The individual's base of operation is located in the municipal corporation. 3433
3434

(ii) The individual is a professional athlete, professional entertainer, or public figure, and the compensation is paid for the performance of services in the individual's capacity as a 3435
3436
3437

professional athlete, professional entertainer, or public figure. 3438
 For purposes of division (C)(17)(b)(ii) of this section, 3439
 "professional athlete," "professional entertainer," and "public 3440
 figure" have the same meanings as in section 718.011 of the 3441
 Revised Code. 3442

(c) Compensation to which division (C)(17) of this section 3443
 applies shall be treated as earned or received at the individual's 3444
 base of operation. If the individual does not have a base of 3445
 operation, the compensation shall be treated as earned or received 3446
 where the individual is domiciled. 3447

(d) For purposes of division (C)(17) of this section, "base 3448
 of operation" means the location where an individual owns or rents 3449
 an office, storefront, or similar facility to which the individual 3450
 regularly reports and at which the individual regularly performs 3451
 personal services for compensation. 3452

(18) Compensation paid to a person for personal services 3453
 performed for a political subdivision on property owned by the 3454
 political subdivision, regardless of whether the compensation is 3455
 received by an employee of the subdivision or another person 3456
 performing services for the subdivision under a contract with the 3457
 subdivision, if the property on which services are performed is 3458
 annexed to a municipal corporation pursuant to section 709.023 of 3459
 the Revised Code on or after March 27, 2013, unless the person is 3460
 subject to such taxation because of residence. If the compensation 3461
 is subject to taxation because of residence, municipal income tax 3462
 shall be payable only to the municipal corporation of residence. 3463

(19) In the case of a tax administered, collected, and 3464
 enforced by a municipal corporation pursuant to an agreement with 3465
 the board of directors of a joint economic development district 3466
 under section 715.72 of the Revised Code, the net profits of a 3467

business, and the income of the employees of that business,	3468
exempted from the tax under division (Q) of that section.	3469
(20) All of the following:	3470
(a) Income derived from disaster work conducted in this state	3471
by an out-of-state disaster business during a disaster response	3472
period pursuant to a qualifying solicitation received by the	3473
business;	3474
(b) Income of a qualifying employee described in division	3475
(A)(14)(a) of section 5703.94 of the Revised Code, to the extent	3476
such income is derived from disaster work conducted in this state	3477
by the employee during a disaster response period pursuant to a	3478
qualifying solicitation received by the employee's employer;	3479
(c) Income of a qualifying employee described in division	3480
(A)(14)(b) of section 5703.94 of the Revised Code, to the extent	3481
such income is derived from disaster work conducted in this state	3482
by the employee during a disaster response period on critical	3483
infrastructure owned or used by the employee's employer.	3484
(21) Income the taxation of which is prohibited by the	3485
constitution or laws of the United States.	3486
Any item of income that is exempt income of a pass-through	3487
entity under division (C) of this section is exempt income of each	3488
owner of the pass-through entity to the extent of that owner's	3489
distributive or proportionate share of that item of the entity's	3490
income.	3491
(D)(1) "Net profit" for a person who is an individual means	3492
the individual's net profit required to be reported on schedule C,	3493
schedule E, or schedule F reduced by any net operating loss	3494
carried forward. For the purposes of division (D)(1) of this	3495
section, the net operating loss carried forward shall be	3496

calculated and deducted in the same manner as provided in division (D)(3) of this section. 3497
3498

(2) "Net profit" for a person other than an individual means adjusted federal taxable income reduced by any net operating loss incurred by the person in a taxable year beginning on or after January 1, 2017, subject to the limitations of division (D)(3) of this section. 3499
3500
3501
3502
3503

(3)(a) The amount of such net operating loss shall be deducted from net profit to the extent necessary to reduce municipal taxable income to zero, with any remaining unused portion of the net operating loss carried forward to not more than five consecutive taxable years following the taxable year in which the loss was incurred, but in no case for more years than necessary for the deduction to be fully utilized. 3504
3505
3506
3507
3508
3509
3510

(b) No person shall use the deduction allowed by division (D)(3) of this section to offset qualifying wages. 3511
3512

(c)(i) For taxable years beginning in 2018, 2019, 2020, 2021, or 2022, a person may not deduct, for purposes of an income tax levied by a municipal corporation that levies an income tax before January 1, 2016, more than fifty per cent of the amount of the deduction otherwise allowed by division (D)(3) of this section. 3513
3514
3515
3516
3517

(ii) For taxable years beginning in 2023 or thereafter, a person may deduct, for purposes of an income tax levied by a municipal corporation that levies an income tax before January 1, 2016, the full amount allowed by division (D)(3) of this section without regard to the limitation of division (D)(3)(b)(i) of this section. 3518
3519
3520
3521
3522
3523

(d) Any pre-2017 net operating loss carryforward deduction that is available may be utilized before a taxpayer may deduct any 3524
3525

amount pursuant to division (D)(3) of this section. 3526

(e) Nothing in division (D)(3)(c)(i) of this section 3527
precludes a person from carrying forward, for use with respect to 3528
any return filed for a taxable year beginning after 2018, any 3529
amount of net operating loss that was not fully utilized by 3530
operation of division (D)(3)(c)(i) of this section. To the extent 3531
that an amount of net operating loss that was not fully utilized 3532
in one or more taxable years by operation of division (D)(3)(c)(i) 3533
of this section is carried forward for use with respect to a 3534
return filed for a taxable year beginning in 2019, 2020, 2021, or 3535
2022, the limitation described in division (D)(3)(c)(i) of this 3536
section shall apply to the amount carried forward. 3537

(4) For the purposes of this chapter, and notwithstanding 3538
division (D)(2) of this section, net profit of a disregarded 3539
entity shall not be taxable as against that disregarded entity, 3540
but shall instead be included in the net profit of the owner of 3541
the disregarded entity. 3542

(5) For the purposes of this chapter, and notwithstanding any 3543
other provision of this chapter, the net profit of a publicly 3544
traded partnership that makes the election described in division 3545
(D)(5) of this section shall be taxed as if the partnership were a 3546
C corporation, and shall not be treated as the net profit or 3547
income of any owner of the partnership. 3548

A publicly traded partnership that is treated as a 3549
partnership for federal income tax purposes and that is subject to 3550
tax on its net profits in one or more municipal corporations in 3551
this state may elect to be treated as a C corporation for 3552
municipal income tax purposes. The publicly traded partnership 3553
shall make the election in every municipal corporation in which 3554
the partnership is subject to taxation on its net profits. The 3555

election shall be made on the annual tax return filed in each such
municipal corporation. The publicly traded partnership shall not
be required to file the election with any municipal corporation in
which the partnership is not subject to taxation on its net
profits, but division (D)(5) of this section applies to all
municipal corporations in which an individual owner of the
partnership resides.

(E) "Adjusted federal taxable income," for a person required
to file as a C corporation, or for a person that has elected to be
taxed as a C corporation under division (D)(5) of this section,
means a C corporation's federal taxable income before net
operating losses and special deductions as determined under the
Internal Revenue Code, adjusted as follows:

(1) Deduct intangible income to the extent included in
federal taxable income. The deduction shall be allowed regardless
of whether the intangible income relates to assets used in a trade
or business or assets held for the production of income.

(2) Add an amount equal to five per cent of intangible income
deducted under division (E)(1) of this section, but excluding that
portion of intangible income directly related to the sale,
exchange, or other disposition of property described in section
1221 of the Internal Revenue Code;

(3) Add any losses allowed as a deduction in the computation
of federal taxable income if the losses directly relate to the
sale, exchange, or other disposition of an asset described in
section 1221 or 1231 of the Internal Revenue Code;

(4)(a) Except as provided in division (E)(4)(b) of this
section, deduct income and gain included in federal taxable income
to the extent the income and gain directly relate to the sale,
exchange, or other disposition of an asset described in section

1221 or 1231 of the Internal Revenue Code;	3586
(b) Division (E)(4)(a) of this section does not apply to the extent the income or gain is income or gain described in section 1245 or 1250 of the Internal Revenue Code.	3587 3588 3589
(5) Add taxes on or measured by net income allowed as a deduction in the computation of federal taxable income;	3590 3591
(6) In the case of a real estate investment trust or regulated investment company, add all amounts with respect to dividends to, distributions to, or amounts set aside for or credited to the benefit of investors and allowed as a deduction in the computation of federal taxable income;	3592 3593 3594 3595 3596
(7) Deduct, to the extent not otherwise deducted or excluded in computing federal taxable income, any income derived from a transfer agreement or from the enterprise transferred under that agreement under section 4313.02 of the Revised Code;	3597 3598 3599 3600
(8) Deduct exempt income to the extent not otherwise deducted or excluded in computing adjusted federal taxable income.	3601 3602
(9) Deduct any net profit of a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that net profit in the group's federal taxable income in accordance with division (E)(3)(b) of section 718.06 of the Revised Code.	3603 3604 3605 3606 3607 3608
(10) Add any loss incurred by a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that loss in the group's federal taxable income in accordance with division (E)(3)(b) of section 718.06 of the Revised Code.	3609 3610 3611 3612 3613 3614

If the taxpayer is not a C corporation, is not a disregarded entity that has made the election described in division (L)(2) of this section, is not a publicly traded partnership that has made the election described in division (D)(5) of this section, and is not an individual, the taxpayer shall compute adjusted federal taxable income under this section as if the taxpayer were a C corporation, except guaranteed payments and other similar amounts paid or accrued to a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deductible expense unless such payments are a pension or retirement benefit payment paid to a retired partner, retired shareholder, or retired member or are in consideration for the use of capital and treated as payment of interest under section 469 of the Internal Revenue Code or United States treasury regulations. Amounts paid or accrued to a qualified self-employed retirement plan with respect to a partner, former partner, shareholder, former shareholder, member, or former member of the taxpayer, amounts paid or accrued to or for health insurance for a partner, former partner, shareholder, former shareholder, member, or former member, and amounts paid or accrued to or for life insurance for a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deduction.

Nothing in division (E) of this section shall be construed as allowing the taxpayer to add or deduct any amount more than once or shall be construed as allowing any taxpayer to deduct any amount paid to or accrued for purposes of federal self-employment tax.

(F) "Schedule C" means internal revenue service schedule C (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.

(G) "Schedule E" means internal revenue service schedule E	3645
(form 1040) filed by a taxpayer pursuant to the Internal Revenue	3646
Code.	3647
(H) "Schedule F" means internal revenue service schedule F	3648
(form 1040) filed by a taxpayer pursuant to the Internal Revenue	3649
Code.	3650
(I) "Internal Revenue Code" has the same meaning as in	3651
section 5747.01 of the Revised Code.	3652
(J) "Resident" means an individual who is domiciled in the	3653
municipal corporation as determined under section 718.012 of the	3654
Revised Code.	3655
(K) "Nonresident" means an individual that is not a resident.	3656
(L)(1) "Taxpayer" means a person subject to a tax levied on	3657
income by a municipal corporation in accordance with this chapter.	3658
"Taxpayer" does not include a grantor trust or, except as provided	3659
in division (L)(2)(a) of this section, a disregarded entity.	3660
(2)(a) A single member limited liability company that is a	3661
disregarded entity for federal tax purposes may be a separate	3662
taxpayer from its single member in all Ohio municipal corporations	3663
in which it either filed as a separate taxpayer or did not file	3664
for its taxable year ending in 2003, if all of the following	3665
conditions are met:	3666
(i) The limited liability company's single member is also a	3667
limited liability company.	3668
(ii) The limited liability company and its single member were	3669
formed and doing business in one or more Ohio municipal	3670
corporations for at least five years before January 1, 2004.	3671
(iii) Not later than December 31, 2004, the limited liability	3672

company and its single member each made an election to be treated 3673
 as a separate taxpayer under division (L) of this section as this 3674
 section existed on December 31, 2004. 3675

(iv) The limited liability company was not formed for the 3676
 purpose of evading or reducing Ohio municipal corporation income 3677
 tax liability of the limited liability company or its single 3678
 member. 3679

(v) The Ohio municipal corporation that was the primary place 3680
 of business of the sole member of the limited liability company 3681
 consented to the election. 3682

(b) For purposes of division (L)(2)(a)(v) of this section, a 3683
 municipal corporation was the primary place of business of a 3684
 limited liability company if, for the limited liability company's 3685
 taxable year ending in 2003, its income tax liability was greater 3686
 in that municipal corporation than in any other municipal 3687
 corporation in Ohio, and that tax liability to that municipal 3688
 corporation for its taxable year ending in 2003 was at least four 3689
 hundred thousand dollars. 3690

(M) "Person" includes individuals, firms, companies, joint 3691
 stock companies, business trusts, estates, trusts, partnerships, 3692
 limited liability partnerships, limited liability companies, 3693
 associations, C corporations, S corporations, governmental 3694
 entities, and any other entity. 3695

(N) "Pass-through entity" means a partnership not treated as 3696
 an association taxable as a C corporation for federal income tax 3697
 purposes, a limited liability company not treated as an 3698
 association taxable as a C corporation for federal income tax 3699
 purposes, an S corporation, or any other class of entity from 3700
 which the income or profits of the entity are given pass-through 3701
 treatment for federal income tax purposes. "Pass-through entity" 3702

does not include a trust, estate, grantor of a grantor trust, or
disregarded entity. 3703
3704

(O) "S corporation" means a person that has made an election
under subchapter S of Chapter 1 of Subtitle A of the Internal
Revenue Code for its taxable year. 3705
3706
3707

(P) "Single member limited liability company" means a limited
liability company that has one direct member. 3708
3709

(Q) "Limited liability company" means a limited liability
company formed under former Chapter 1705. ~~or of the Revised Code~~
as that chapter existed prior to February 11, 2022, Chapter 1706.
of the Revised Code, or under the laws of another state. 3710
3711
3712
3713

(R) "Qualifying wages" means wages, as defined in section
3121(a) of the Internal Revenue Code, without regard to any wage
limitations, adjusted as follows: 3714
3715
3716

(1) Deduct the following amounts: 3717

(a) Any amount included in wages if the amount constitutes
compensation attributable to a plan or program described in
section 125 of the Internal Revenue Code. 3718
3719
3720

(b) Any amount included in wages if the amount constitutes
payment on account of a disability related to sickness or an
accident paid by a party unrelated to the employer, agent of an
employer, or other payer. 3721
3722
3723
3724

(c) Any amount attributable to a nonqualified deferred
compensation plan or program described in section 3121(v)(2)(C) of
the Internal Revenue Code if the compensation is included in wages
and the municipal corporation has, by resolution or ordinance
adopted before January 1, 2016, exempted the amount from
withholding and tax. 3725
3726
3727
3728
3729
3730

(d) Any amount included in wages if the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has, by resolution or ordinance adopted before January 1, 2016, exempted the amount from withholding and tax.	3731 3732 3733 3734 3735 3736 3737
(e) Any amount included in wages that is exempt income.	3738
(2) Add the following amounts:	3739
(a) Any amount not included in wages solely because the employee was employed by the employer before April 1, 1986.	3740 3741
(b) Any amount not included in wages because the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has not, by resolution or ordinance, exempted the amount from withholding and tax adopted before January 1, 2016. Division (R)(2)(b) of this section applies only to those amounts constituting ordinary income.	3742 3743 3744 3745 3746 3747 3748 3749
(c) Any amount not included in wages if the amount is an amount described in section 401(k), 403(b), or 457 of the Internal Revenue Code. Division (R)(2)(c) of this section applies only to employee contributions and employee deferrals.	3750 3751 3752 3753
(d) Any amount that is supplemental unemployment compensation benefits described in section 3402(o)(2) of the Internal Revenue Code and not included in wages.	3754 3755 3756
(e) Any amount received that is treated as self-employment income for federal tax purposes in accordance with section 1402(a)(8) of the Internal Revenue Code.	3757 3758 3759

(f) Any amount not included in wages if all of the following	3760
apply:	3761
(i) For the taxable year the amount is employee compensation	3762
that is earned outside of the United States and that either is	3763
included in the taxpayer's gross income for federal income tax	3764
purposes or would have been included in the taxpayer's gross	3765
income for such purposes if the taxpayer did not elect to exclude	3766
the income under section 911 of the Internal Revenue Code;	3767
(ii) For no preceding taxable year did the amount constitute	3768
wages as defined in section 3121(a) of the Internal Revenue Code;	3769
(iii) For no succeeding taxable year will the amount	3770
constitute wages; and	3771
(iv) For any taxable year the amount has not otherwise been	3772
added to wages pursuant to either division (R)(2) of this section	3773
or section 718.03 of the Revised Code, as that section existed	3774
before the effective date of H.B. 5 of the 130th general assembly,	3775
March 23, 2015.	3776
(S) "Intangible income" means income of any of the following	3777
types: income yield, interest, capital gains, dividends, or other	3778
income arising from the ownership, sale, exchange, or other	3779
disposition of intangible property including, but not limited to,	3780
investments, deposits, money, or credits as those terms are	3781
defined in Chapter 5701. of the Revised Code, and patents,	3782
copyrights, trademarks, tradenames, investments in real estate	3783
investment trusts, investments in regulated investment companies,	3784
and appreciation on deferred compensation. "Intangible income"	3785
does not include prizes, awards, or other income associated with	3786
any lottery winnings, gambling winnings, or other similar games of	3787
chance.	3788

(T) "Taxable year" means the corresponding tax reporting period as prescribed for the taxpayer under the Internal Revenue Code.	3789 3790 3791
(U)(1) "Tax administrator" means, subject to division (U)(2) of this section, the individual charged with direct responsibility for administration of an income tax levied by a municipal corporation in accordance with this chapter, and also includes the following:	3792 3793 3794 3795 3796
(a) A municipal corporation acting as the agent of another municipal corporation;	3797 3798
(b) A person retained by a municipal corporation to administer a tax levied by the municipal corporation, but only if the municipal corporation does not compensate the person in whole or in part on a contingency basis;	3799 3800 3801 3802
(c) The central collection agency or the regional income tax agency or their successors in interest, or another entity organized to perform functions similar to those performed by the central collection agency and the regional income tax agency.	3803 3804 3805 3806
(2) "Tax administrator" does not include the tax commissioner.	3807 3808
(3) A private individual or entity serving in any position described in division (U)(1)(b) or (c) of this section shall have no access to criminal history record information.	3809 3810 3811
(V) "Employer" means a person that is an employer for federal income tax purposes.	3812 3813
(W) "Employee" means an individual who is an employee for federal income tax purposes.	3814 3815
(X) "Other payer" means any person, other than an	3816

individual's employer or the employer's agent, that pays an 3817
individual any amount included in the federal gross income of the 3818
individual. "Other payer" includes casino operators and video 3819
lottery terminal sales agents. 3820

(Y) "Calendar quarter" means the three-month period ending on 3821
the last day of March, June, September, or December. 3822

(Z) "Form 2106" means internal revenue service form 2106 3823
filed by a taxpayer pursuant to the Internal Revenue Code. 3824

(AA) "Municipal corporation" includes a joint economic 3825
development district or joint economic development zone that 3826
levies an income tax under section 715.691, 715.70, 715.71, or 3827
715.72 of the Revised Code. 3828

(BB) "Disregarded entity" means a single member limited 3829
liability company, a qualifying subchapter S subsidiary, or 3830
another entity if the company, subsidiary, or entity is a 3831
disregarded entity for federal income tax purposes. 3832

(CC) "Generic form" means an electronic or paper form that is 3833
not prescribed by a particular municipal corporation and that is 3834
designed for reporting taxes withheld by an employer, agent of an 3835
employer, or other payer, estimated municipal income taxes, or 3836
annual municipal income tax liability or for filing a refund 3837
claim. 3838

(DD) "Tax return preparer" means any individual described in 3839
section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 3840
301.7701-15. 3841

(EE) "Ohio business gateway" means the online computer 3842
network system, created under section 125.30 of the Revised Code, 3843
~~that allows persons to electronically file business reply forms~~ 3844
~~with state agencies and includes~~ or any successor electronic 3845

filing and payment system.	3846
(FF) "Local board of tax review" and "board of tax review"	3847
mean the entity created under section 718.11 of the Revised Code.	3848
(GG) "Net operating loss" means a loss incurred by a person	3849
in the operation of a trade or business. "Net operating loss" does	3850
not include unutilized losses resulting from basis limitations,	3851
at-risk limitations, or passive activity loss limitations.	3852
(HH) "Casino operator" and "casino facility" have the same	3853
meanings as in section 3772.01 of the Revised Code.	3854
(II) "Video lottery terminal" has the same meaning as in	3855
section 3770.21 of the Revised Code.	3856
(JJ) "Video lottery terminal sales agent" means a lottery	3857
sales agent licensed under Chapter 3770. of the Revised Code to	3858
conduct video lottery terminals on behalf of the state pursuant to	3859
section 3770.21 of the Revised Code.	3860
(KK) "Postal service" means the United States postal service.	3861
(LL) "Certified mail," "express mail," "United States mail,"	3862
"postal service," and similar terms include any delivery service	3863
authorized pursuant to section 5703.056 of the Revised Code.	3864
(MM) "Postmark date," "date of postmark," and similar terms	3865
include the date recorded and marked in the manner described in	3866
division (B)(3) of section 5703.056 of the Revised Code.	3867
(NN) "Related member" means a person that, with respect to	3868
the taxpayer during all or any portion of the taxable year, is	3869
either a related entity, a component member as defined in section	3870
1563(b) of the Internal Revenue Code, or a person to or from whom	3871
there is attribution of stock ownership in accordance with section	3872
1563(e) of the Internal Revenue Code except, for purposes of	3873
determining whether a person is a related member under this	3874

division, "twenty per cent" shall be substituted for "5 percent" 3875
 wherever "5 percent" appears in section 1563(e) of the Internal 3876
 Revenue Code. 3877

(OO) "Related entity" means any of the following: 3878

(1) An individual stockholder, or a member of the 3879
 stockholder's family enumerated in section 318 of the Internal 3880
 Revenue Code, if the stockholder and the members of the 3881
 stockholder's family own directly, indirectly, beneficially, or 3882
 constructively, in the aggregate, at least fifty per cent of the 3883
 value of the taxpayer's outstanding stock; 3884

(2) A stockholder, or a stockholder's partnership, estate, 3885
 trust, or corporation, if the stockholder and the stockholder's 3886
 partnerships, estates, trusts, or corporations own directly, 3887
 indirectly, beneficially, or constructively, in the aggregate, at 3888
 least fifty per cent of the value of the taxpayer's outstanding 3889
 stock; 3890

(3) A corporation, or a party related to the corporation in a 3891
 manner that would require an attribution of stock from the 3892
 corporation to the party or from the party to the corporation 3893
 under division (OO)(4) of this section, provided the taxpayer owns 3894
 directly, indirectly, beneficially, or constructively, at least 3895
 fifty per cent of the value of the corporation's outstanding 3896
 stock; 3897

(4) The attribution rules described in section 318 of the 3898
 Internal Revenue Code apply for the purpose of determining whether 3899
 the ownership requirements in divisions (OO)(1) to (3) of this 3900
 section have been met. 3901

(PP)(1) "Assessment" means a written finding by the tax 3902
 administrator that a person has underpaid municipal income tax, or 3903

owes penalty and interest, or any combination of tax, penalty, or
 interest, to the municipal corporation that commences the person's
 time limitation for making an appeal to the local board of tax
 review pursuant to section 718.11 of the Revised Code, and has
 "ASSESSMENT" written in all capital letters at the top of such
 finding.

(2) "Assessment" does not include an informal notice denying
 a request for refund issued under division (B)(3) of section
 718.19 of the Revised Code, a billing statement notifying a
 taxpayer of current or past-due balances owed to the municipal
 corporation, a tax administrator's request for additional
 information, a notification to the taxpayer of mathematical
 errors, or a tax administrator's other written correspondence to a
 person or taxpayer that does not meet the criteria prescribed by
 division (PP)(1) of this section.

(QQ) "Taxpayers' rights and responsibilities" means the
 rights provided to taxpayers in sections 718.11, 718.12, 718.19,
 718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the
 Revised Code and the responsibilities of taxpayers to file,
 report, withhold, remit, and pay municipal income tax and
 otherwise comply with Chapter 718. of the Revised Code and
 resolutions, ordinances, and rules adopted by a municipal
 corporation for the imposition and administration of a municipal
 income tax.

(RR) "Qualified municipal corporation" means a municipal
 corporation that, by resolution or ordinance adopted on or before
 December 31, 2011, adopted Ohio adjusted gross income, as defined
 by section 5747.01 of the Revised Code, as the income subject to
 tax for the purposes of imposing a municipal income tax.

(SS)(1) "Pre-2017 net operating loss carryforward" means any

net operating loss incurred in a taxable year beginning before 3934
January 1, 2017, to the extent such loss was permitted, by a 3935
resolution or ordinance of the municipal corporation that was 3936
adopted by the municipal corporation before January 1, 2016, to be 3937
carried forward and utilized to offset income or net profit 3938
generated in such municipal corporation in future taxable years. 3939

(2) For the purpose of calculating municipal taxable income, 3940
any pre-2017 net operating loss carryforward may be carried 3941
forward to any taxable year, including taxable years beginning in 3942
2017 or thereafter, for the number of taxable years provided in 3943
the resolution or ordinance or until fully utilized, whichever is 3944
earlier. 3945

(TT) "Small employer" means any employer that had total 3946
revenue of less than five hundred thousand dollars during the 3947
preceding taxable year. For purposes of this division, "total 3948
revenue" means receipts of any type or kind, including, but not 3949
limited to, sales receipts; payments; rents; profits; gains, 3950
dividends, and other investment income; compensation; commissions; 3951
premiums; money; property; grants; contributions; donations; 3952
gifts; program service revenue; patient service revenue; premiums; 3953
fees, including premium fees and service fees; tuition payments; 3954
unrelated business revenue; reimbursements; any type of payment 3955
from a governmental unit, including grants and other allocations; 3956
and any other similar receipts reported for federal income tax 3957
purposes or under generally accepted accounting principles. "Small 3958
employer" does not include the federal government; any state 3959
government, including any state agency or instrumentality; any 3960
political subdivision; or any entity treated as a government for 3961
financial accounting and reporting purposes. 3962

(UU) "Audit" means the examination of a person or the 3963

inspection of the books, records, memoranda, or accounts of a	3964
person for the purpose of determining liability for a municipal	3965
income tax.	3966
(VV) "Publicly traded partnership" means any partnership, an	3967
interest in which is regularly traded on an established securities	3968
market. A "publicly traded partnership" may have any number of	3969
partners.	3970
(WW) "Tax commissioner" means the tax commissioner appointed	3971
under section 121.03 of the Revised Code.	3972
(XX) "Out-of-state disaster business," "qualifying	3973
solicitation," "qualifying employee," "disaster work," "critical	3974
infrastructure," and "disaster response period" have the same	3975
meanings as in section 5703.94 of the Revised Code.	3976
(YY) "Pension" means a retirement benefit plan, regardless of	3977
whether the plan satisfies the qualifications described under	3978
section 401(a) of the Internal Revenue Code, including amounts	3979
that are taxable under the "Federal Insurance Contributions Act,"	3980
Chapter 21 of the Internal Revenue Code, excluding employee	3981
contributions and elective deferrals, and regardless of whether	3982
such amounts are paid in the same taxable year in which the	3983
amounts are included in the employee's wages, as defined by	3984
section 3121(a) of the Internal Revenue Code.	3985
(ZZ) "Retirement benefit plan" means an arrangement whereby	3986
an entity provides benefits to individuals either on or after	3987
their termination of service because of retirement or disability.	3988
"Retirement benefit plan" does not include wage continuation	3989
payments, severance payments, or payments made for accrued	3990
personal or vacation time.	3991
Sec. 1111.04. (A) Prior to soliciting or engaging in trust	3992

business in this state, a trust company shall pledge to the 3993
~~treasurer of state~~ superintendent of financial institutions 3994
interest bearing securities authorized in division (B) of this 3995
section, having a par value, not including unaccrued interest, of 3996
one hundred thousand dollars, and approved by the superintendent 3997
~~of financial institutions~~. The trust company may pledge the 3998
securities either by delivery to the ~~treasurer of state~~ 3999
superintendent or by placing the securities with a qualified 4000
trustee for safekeeping to the account of the ~~treasurer of state~~ 4001
superintendent of financial institutions, the corporate fiduciary, 4002
and any other person having an interest in the securities under 4003
Chapter 1109. of the Revised Code, as their respective interests 4004
may appear and be asserted by written notice to or demand upon the 4005
qualified trustee or by order of judgment of a court. 4006

(B) Securities pledged by a trust company to satisfy the 4007
requirements of division (A) of this section shall be one or more 4008
of the following: 4009

(1) Bonds, notes, or other obligations of or guaranteed by 4010
the United States or for which the full faith and credit of the 4011
United States is pledged for the payment of principal and 4012
interest; 4013

(2) Bonds, notes, debentures, or other obligations or 4014
securities issued by any agency or instrumentality of the United 4015
States; 4016

(3) General obligations of this or any other state of the 4017
United States or any subdivision of this or any other state of the 4018
United States. 4019

(C) The ~~treasurer of state~~ superintendent of financial 4020
institutions shall review, approve, and accept delivery of 4021
securities pursuant to this section ~~when accompanied by the~~ 4022

~~superintendent's approval of the securities or the written receipt~~ 4023
~~of a qualified trustee describing the securities and showing the~~ 4024
~~superintendent's approval of the securities,~~ and shall issue a 4025
written acknowledgment of the delivery of the securities or the 4026
qualified trustee's receipt and the superintendent's approval to 4027
the trust company. 4028

(D) The superintendent shall approve securities to be pledged 4029
by a trust company pursuant to this section if the securities are 4030
all of the following: 4031

(1) Interest bearing and of the value required by division 4032
(A) of this section; 4033

(2) Of one or more of the kinds authorized by division (B) of 4034
this section and not a derivative of or merely an interest in any 4035
of those securities; 4036

(3) Not in default. 4037

(E) The ~~treasurer of state~~ superintendent of financial 4038
institutions shall, ~~with the approval of the superintendent,~~ 4039
permit a trust company to pledge securities in substitution for 4040
securities pledged pursuant to this section and the withdrawal of 4041
the securities substituted for so long as the securities remaining 4042
pledged satisfy the requirements of division (A) of this section. 4043
The ~~treasurer of state~~ superintendent shall permit a trust company 4044
to collect interest paid on securities pledged pursuant to this 4045
section so long as the trust company is solvent. The ~~treasurer of~~ 4046
~~state~~ superintendent shall, ~~with the approval of the~~ 4047
~~superintendent,~~ permit a trust company to withdraw securities 4048
pledged pursuant to this section when the trust company has ceased 4049
to solicit or engage in trust business in this state. 4050

(F) For purposes of this section, a qualified trustee is a 4051
federal reserve bank, a federal home loan bank, a trust company as 4052

defined in section 1101.01 of the Revised Code, or a national bank 4053
 or federal savings association that has pledged securities 4054
 pursuant to this section, is authorized to accept and execute 4055
 trusts, and is doing business under authority granted by the 4056
 office of the comptroller of the currency. However, a national 4057
 bank or federal savings association doing business under authority 4058
 granted by the office of the comptroller of the currency or a 4059
 trust company may not act as a qualified trustee for securities it 4060
 or any of its affiliates is pledging pursuant to this section. 4061

(G) The superintendent, with the approval of the ~~treasurer of~~ 4062
~~state and the~~ attorney general, shall prescribe the form of all 4063
 receipts and acknowledgments provided for by this section, and 4064
 upon request shall furnish a copy of each form, with the 4065
 superintendent's certification attached, to each qualified trustee 4066
 eligible to hold securities for safekeeping under this section. 4067

Sec. 1112.12. (A) Prior to transacting any business as a 4068
 licensed family trust company, a family trust company shall pledge 4069
 to the ~~treasurer of state~~ superintendent of financial institutions 4070
 interest-bearing securities authorized in division (B) of this 4071
 section, having a par value, not including unaccrued interest, of 4072
 one hundred thousand dollars, and approved by the superintendent 4073
~~of financial institutions~~. The family trust company may pledge the 4074
 securities either by delivery to the ~~treasurer of state~~ 4075
superintendent or by placing the securities with a qualified 4076
 trustee for safekeeping to the account of the ~~treasurer of state~~ 4077
superintendent of financial institutions. 4078

(B) Securities pledged by a family trust company to satisfy 4079
 the requirements of division (A) of this section shall be one or 4080
 more of the following, provided that the bonds or other 4081
 obligations are rated at the time of purchase in the three highest 4082

classifications established by at least one nationally recognized 4083
~~standard statistical~~ rating ~~service organization~~ and purchased 4084
 through a registered securities broker or dealer: 4085

(1) Bonds, notes, or other obligations of or guaranteed by 4086
 the United States or for which the full faith and credit of the 4087
 United States is pledged for the payment of principal and 4088
 interest; 4089

(2) Bonds, notes, debentures, or other obligations or 4090
 securities issued by any agency or instrumentality of the United 4091
 States. 4092

(C) The ~~treasurer of state~~ superintendent of financial 4093
institutions shall review, approve, and accept delivery of 4094
 securities pursuant to this section ~~when accompanied by the~~ 4095
~~superintendent's approval of the securities or the written receipt~~ 4096
~~of a qualified trustee describing the securities and showing the~~ 4097
~~superintendent's approval of the securities,~~ and shall issue a 4098
 written acknowledgment of the delivery of the securities or the 4099
 qualified trustee's receipt and the superintendent's approval to 4100
 the family trust company. 4101

(D) The superintendent shall approve securities to be pledged 4102
 by a family trust company pursuant to this section if the 4103
 securities are all of the following: 4104

(1) Interest-bearing and of the value required by division 4105
 (A) of this section; 4106

(2) Of one or more of the kinds authorized by division (B) of 4107
 this section and not a derivative of or merely an interest in any 4108
 of those securities; 4109

(3) Not in default. 4110

(E) The ~~treasurer of state~~ superintendent of financial 4111

~~institutions shall, with the approval of the superintendent,~~ 4112
 permit a family trust company to pledge securities in substitution 4113
 for securities pledged pursuant to this section and the withdrawal 4114
 of the securities substituted for so long as the securities 4115
 remaining pledged satisfy the requirements of division (A) of this 4116
 section. The ~~treasurer of state~~ superintendent shall permit a 4117
 family trust company to collect interest paid on securities 4118
 pledged pursuant to this section so long as the family trust 4119
 company is solvent. The ~~treasurer of state~~ superintendent shall, 4120
~~with the approval of the superintendent,~~ permit a licensed family 4121
 trust company to withdraw securities pledged pursuant to this 4122
 section when the family trust company has discontinued its 4123
 business as a licensed family trust company in this state. 4124

(F) For purposes of this section, a qualified trustee is a 4125
 federal reserve bank, a federal home loan bank, a trust company as 4126
 defined in section 1101.01 of the Revised Code, or a bank or 4127
 savings association that has pledged securities pursuant to 4128
 section 1111.04 of the Revised Code, is authorized to accept and 4129
 execute trusts, and is doing business under authority granted by 4130
 the comptroller of the currency. 4131

(G) The superintendent, ~~with the approval of the treasurer of~~ 4132
~~state,~~ shall prescribe the form of all receipts and 4133
 acknowledgments provided for by this section, and upon request 4134
 shall furnish a copy of each form, with the superintendent's 4135
 certification attached, to each qualified trustee eligible to hold 4136
 securities for safekeeping under this section. 4137

Sec. 1315.54. (A) The attorney general may conduct 4138
 investigations within or outside this state to determine if a 4139
 money transmitter or person engaged in a trade or business has 4140
 failed to file a report required by section 1315.53 of the Revised 4141

Code or has engaged or is engaging in an act, practice, or 4142
 transaction that constitutes a violation of a provision of ~~section~~ 4143
sections 1315.51 to 1315.55 of the Revised Code. 4144

(B) On request of the attorney general, a money transmitter 4145
 shall make the money transmitter's books and records available to 4146
 the attorney general during normal business hours for inspection 4147
 and examination in connection with an investigation conducted 4148
 under this section. No person shall purposely fail to comply with 4149
 this division. 4150

(C) Any record or other document or information obtained by 4151
 the attorney general pursuant to an investigation conducted under 4152
 this section is not a public record subject to section 149.43 of 4153
 the Revised Code and is not subject to disclosure. 4154

(D) This section does not apply to any bank, bank holding 4155
 company, or affiliate of a bank or bank holding company, or to any 4156
savings and loan association, savings and loan holding company, or 4157
affiliate of a savings and loan association or savings and loan 4158
holding company that is subject to examination by the comptroller 4159
 of the currency, the federal reserve, or the federal deposit 4160
 insurance corporation, ~~or to any savings and loan association,~~ 4161
~~savings and loan holding company, or affiliate of a savings and~~ 4162
~~loan association or savings and loan holding company, that is~~ 4163
~~subject to examination by the office of thrift supervision.~~ 4164

Sec. 1345.01. As used in sections 1345.01 to 1345.13 of the 4165
 Revised Code: 4166

(A) "Consumer transaction" means a sale, lease, assignment, 4167
 award by chance, or other transfer of an item of goods, a service, 4168
 a franchise, or an intangible, to an individual for purposes that 4169
 are primarily personal, family, or household, or solicitation to 4170

supply any of these things. "Consumer transaction" does not
include transactions between persons, defined in sections 4905.03
and 5725.01 of the Revised Code, and their customers, except for
transactions involving a loan made pursuant to sections 1321.35 to
1321.48 of the Revised Code and transactions in connection with
residential mortgages between loan officers, mortgage brokers, or
nonbank mortgage lenders and their customers; transactions
involving a home construction service contract as defined in
section 4722.01 of the Revised Code; transactions between
certified public accountants or public accountants and their
clients; transactions between attorneys, physicians, or dentists
and their clients or patients; and transactions between
veterinarians and their patients that pertain to medical treatment
but not ancillary services.

(B) "Person" includes an individual, corporation, government,
governmental subdivision or agency, business trust, estate, trust,
partnership, association, cooperative, or other legal entity.

(C) "Supplier" means a seller, lessor, assignor, franchisor,
or other person engaged in the business of effecting or soliciting
consumer transactions, whether or not the person deals directly
with the consumer. If the consumer transaction is in connection
with a residential mortgage, "supplier" does not include an
assignee or purchaser of the loan for value, except as otherwise
provided in section 1345.091 of the Revised Code. For purposes of
this division, in a consumer transaction in connection with a
residential mortgage, "seller" means a loan officer, mortgage
broker, or nonbank mortgage lender.

(D) "Consumer" means a person who engages in a consumer
transaction with a supplier.

(E) "Knowledge" means actual awareness, but such actual

awareness may be inferred where objective manifestations indicate 4201
that the individual involved acted with such awareness. 4202

(F) "Natural gas service" means the sale of natural gas, 4203
exclusive of any distribution or ancillary service. 4204

(G) "Public telecommunications service" means the 4205
transmission by electromagnetic or other means, other than by a 4206
telephone company as defined in section 4927.01 of the Revised 4207
Code, of signs, signals, writings, images, sounds, messages, or 4208
data originating in this state regardless of actual call routing. 4209
"Public telecommunications service" excludes a system, including 4210
its construction, maintenance, or operation, for the provision of 4211
telecommunications service, or any portion of such service, by any 4212
entity for the sole and exclusive use of that entity, its parent, 4213
a subsidiary, or an affiliated entity, and not for resale, 4214
directly or indirectly; the provision of terminal equipment used 4215
to originate telecommunications service; broadcast transmission by 4216
radio, television, or satellite broadcast stations regulated by 4217
the federal government; or cable television service. 4218

(H)(1) "Loan officer" means an individual who for 4219
compensation or gain, or in anticipation of compensation or gain, 4220
takes or offers to take a residential mortgage loan application; 4221
assists or offers to assist a buyer in obtaining or applying to 4222
obtain a residential mortgage loan by, among other things, 4223
advising on loan terms, including rates, fees, and other costs; 4224
offers or negotiates terms of a residential mortgage loan; or 4225
issues or offers to issue a commitment for a residential mortgage 4226
loan. "Loan officer" also includes a mortgage loan originator as 4227
defined in section 1322.01 of the Revised Code. 4228

(2) "Loan officer" does not include an employee of a bank, 4229
savings bank, savings and loan association, credit union, or 4230

credit union service organization organized under the laws of this 4231
state, another state, or the United States; an employee of a 4232
subsidiary of such a bank, savings bank, savings and loan 4233
association, or credit union; or an employee of an affiliate that 4234
(a) controls, is controlled by, or is under common control with, 4235
such a bank, savings bank, savings and loan association, or credit 4236
union and (b) is subject to examination, supervision, and 4237
regulation, including with respect to the affiliate's compliance 4238
with applicable consumer protection requirements, by the board of 4239
governors of the federal reserve system, the comptroller of the 4240
currency, ~~the office of thrift supervision~~, the federal deposit 4241
insurance corporation, or the national credit union 4242
administration. 4243

(I) "Residential mortgage" or "mortgage" means an obligation 4244
to pay a sum of money evidenced by a note and secured by a lien 4245
upon real property located within this state containing two or 4246
fewer residential units or on which two or fewer residential units 4247
are to be constructed and includes such an obligation on a 4248
residential condominium or cooperative unit. 4249

(J)(1) "Mortgage broker" means any of the following: 4250

(a) A person that holds that person out as being able to 4251
assist a buyer in obtaining a mortgage and charges or receives 4252
from either the buyer or lender money or other valuable 4253
consideration readily convertible into money for providing this 4254
assistance; 4255

(b) A person that solicits financial and mortgage information 4256
from the public, provides that information to a mortgage broker or 4257
a person that makes residential mortgage loans, and charges or 4258
receives from either of them money or other valuable consideration 4259
readily convertible into money for providing the information; 4260

(c) A person engaged in table-funding or warehouse-lending mortgage loans that are residential mortgage loans. 4261
4262

(2) "Mortgage broker" does not include a bank, savings bank, savings and loan association, credit union, or credit union service organization organized under the laws of this state, another state, or the United States; a subsidiary of such a bank, savings bank, savings and loan association, or credit union; an affiliate that (a) controls, is controlled by, or is under common control with, such a bank, savings bank, savings and loan association, or credit union and (b) is subject to examination, supervision, and regulation, including with respect to the affiliate's compliance with applicable consumer protection requirements, by the board of governors of the federal reserve system, the comptroller of the currency, ~~the office of thrift supervision~~, the federal deposit insurance corporation, or the national credit union administration; or an employee of any such entity. 4263
4264
4265
4266
4267
4268
4269
4270
4271
4272
4273
4274
4275
4276
4277

(K) "Nonbank mortgage lender" means any person that engages in a consumer transaction in connection with a residential mortgage, except for a bank, savings bank, savings and loan association, credit union, or credit union service organization organized under the laws of this state, another state, or the United States; a subsidiary of such a bank, savings bank, savings and loan association, or credit union; or an affiliate that (1) controls, is controlled by, or is under common control with, such a bank, savings bank, savings and loan association, or credit union and (2) is subject to examination, supervision, and regulation, including with respect to the affiliate's compliance with applicable consumer protection requirements, by the board of governors of the federal reserve system, the comptroller of the currency, ~~the office of thrift supervision~~, the federal deposit 4278
4279
4280
4281
4282
4283
4284
4285
4286
4287
4288
4289
4290
4291

insurance corporation, or the national credit union 4292
administration. 4293

(L) For purposes of divisions (H), (J), and (K) of this 4294
section: 4295

(1) "Control" of another entity means ownership, control, or 4296
power to vote twenty-five per cent or more of the outstanding 4297
shares of any class of voting securities of the other entity, 4298
directly or indirectly or acting through one or more other 4299
persons. 4300

(2) "Credit union service organization" means a CUSO as 4301
defined in 12 C.F.R. 702.2. 4302

Sec. 1501.04. The performance cash bond refunds fund is 4303
created in the state treasury. The fund shall consist of money 4304
received by the department of natural resources from other 4305
entities as performance security. Upon the completion of work or 4306
satisfaction of terms for which the performance cash bond was 4307
required, the money shall be refunded to the pledging entity. If 4308
the performance cash bond is forfeited, the money shall be 4309
transferred to the appropriate fund within the state treasury. 4310

Sec. 1501.10. Advertisement for bids for the leasing of 4311
public service facilities in state parks shall be published in any 4312
newspaper of general circulation in Franklin county and each 4313
county in which the facility to be leased is situated. The 4314
publication shall be made once each week for four consecutive 4315
weeks prior to the date fixed for the acceptance of the bids. The 4316
notice shall set forth the pertinent facts concerning the facility 4317
to be leased and the periods of required operation during the year 4318
and shall refer to the terms and conditions that the lease shall 4319
include, which shall be on file in the office of the director of 4320

natural resources and open to public inspection, except that 4321
questionnaires and financial statements submitted under this 4322
section shall be confidential and shall not be open to public 4323
inspection. 4324

The public service facilities may be leased for a period of 4325
years that may be determined by the director, provided that the 4326
director, at the expiration of the original lease, without 4327
advertisement for bids, may grant the lessee a renewal of the 4328
lease for an additional period not to exceed four years. Leases 4329
executed under this section may contain any provisions that the 4330
director considers necessary, provided that the following 4331
provisions shall be contained in the leases: 4332

(A) The lessee shall be responsible for keeping the 4333
facilities in good condition and repair, reasonable wear and tear 4334
and damages caused by casualty or acts beyond the control of the 4335
lessee excepted. 4336

(B) The lessee shall operate the facilities for periods 4337
during the year that the director determines are necessary to 4338
satisfy the needs of the people of the state, provided that the 4339
periods of required operation shall be set forth in the notice for 4340
the acceptance of bids. 4341

(C) The lessee, upon the execution of the lease, shall 4342
furnish surety to ensure that the lessee shall perform fully all 4343
terms of the lease. The surety shall be in the form of a 4344
performance bond, an irrevocable letter of credit to the state, 4345
cash, or negotiable certificates of deposit of any bank or savings 4346
and loan association organized or transacting business in the 4347
United States. The cash, market value of the certificates of 4348
deposit, or face value of the irrevocable letter of credit shall 4349
be equal to or greater than the amount of the bond prescribed by 4350

the director in the lease. 4351

~~Immediately upon a deposit of~~ If the lessee deposits cash or 4352
~~certificates of deposit, the director~~ cash shall deliver them to 4353
~~the treasurer of state, who shall be responsible for their~~ 4354
~~safekeeping and hold them in trust for the purposes for which they~~ 4355
~~have been deposited~~ credited to the performance cash bond refunds 4356
fund created in section 1501.04 of the Revised Code. A lessee 4357
making a deposit of cash or certificates of deposit may withdraw 4358
and receive, from the ~~treasurer of state, on the written order of~~ 4359
~~the~~ director, all or any portion of the cash or certificates of 4360
deposit upon depositing with the ~~treasurer of state~~ cash or 4361
director negotiable certificates of deposit issued by any bank 4362
organized or transacting business in this state equal in par value 4363
to the par value of the cash or certificates of deposit withdrawn. 4364
A lessee may demand and receive from the ~~treasurer of state~~ 4365
director all interest or other income from any such certificates 4366
as it becomes due. 4367

The director may lease any public service facilities in state 4368
parks to the person who submits the highest and best bid under the 4369
terms set forth in this section and in accordance with the rules 4370
of the director, taking into account the financial responsibility 4371
and the ability of the lessee to operate the facilities. Bids 4372
shall be sealed and opened at a date and time certain, published 4373
in advance. 4374

This section does not apply to a lease and contract executed 4375
under section 1501.012 of the Revised Code. 4376

Sec. 1503.05. (A) The chief of the division of forestry may 4377
sell timber and other forest products from the state forest, state 4378
forest nurseries, and federal lands in accordance with the terms 4379

of an agreement under section 1503.271 of the Revised Code 4380
 whenever the chief considers such a sale desirable. With the 4381
 approval of the attorney general and the director of natural 4382
 resources, the chief may sell portions of the state forest lands 4383
 when such a sale is advantageous to the state. 4384

(B) Except as otherwise provided in this section, a timber 4385
 sale agreement shall not be executed unless the person or 4386
 governmental entity bidding on the sale executes and files a 4387
 surety bond conditioned on completion of the timber sale in 4388
 accordance with the terms of the agreement in an amount determined 4389
 by the chief. All bonds shall be given in a form prescribed by the 4390
 chief and shall run to the state as obligee. 4391

The chief shall not approve any bond until it is personally 4392
 signed and acknowledged by both principal and surety, or as to 4393
 either by the attorney in fact thereof, with a certified copy of 4394
 the power of attorney attached. The chief shall not approve the 4395
 bond unless there is attached a certificate of the superintendent 4396
 of insurance that the company is authorized to transact a fidelity 4397
 and surety business in this state. 4398

In lieu of a bond, the bidder may deposit ~~any of the~~ 4399
~~following:~~ 4400

~~(1) Cash in an amount equal to the amount of the bond;~~ 4401

~~(2) United States government securities having a par value~~ 4402
~~equal to or greater than the amount of the bond;~~ 4403

~~(3) Negotiable cash, negotiable certificates of deposit, or~~ 4404
 irrevocable letters of credit issued by any bank organized or 4405
 transacting business in this state having a par value equal to or 4406
 greater than the amount of the bond. 4407

The cash or securities shall be deposited on the same terms 4408

as bonds. If one or more certificates of deposit are deposited in lieu of a bond, the chief shall require the bank that issued any of the certificates to pledge securities of the aggregate market value equal to the amount of the certificate or certificates that is in excess of the amount insured by the federal deposit insurance corporation. The securities to be pledged shall be those designated as eligible under section 135.18 of the Revised Code. The securities shall be security for the repayment of the certificate or certificates of deposit.

~~Immediately upon~~ Upon a deposit of cash, ~~securities,~~ certificates of deposit, or irrevocable letters of credit described in division (B) of this section, the chief shall ~~deliver them to the treasurer of state, who shall hold them in trust for the purposes for which they have been deposited. The treasurer of state is responsible for the safekeeping of the deposits. If the bidder deposits cash, the cash shall be credited to the performance cash bond refunds fund created in section 1501.04 of the Revised Code. If the bidder deposits certificates of deposit or letters of credit, the chief is responsible for the safekeeping of those certificates or letters.~~ A bidder making a deposit of cash, ~~securities,~~ certificates of deposit, or letters of credit may withdraw and receive, from the ~~treasurer of state, on the written order of the chief,~~ all or any portion of the cash, ~~securities,~~ certificates of deposit, or letters of credit upon depositing with the ~~treasurer of state cash, other United States government securities, or chief~~ other negotiable certificates of deposit or irrevocable letters of credit ~~issued by any bank organized or transacting business in this state,~~ that are equal in par value to the par value of the cash, ~~securities,~~ certificates of deposit, or letters of credit withdrawn.

A bidder that deposits negotiable certificates of deposit may

demand and receive from the ~~treasurer of state~~ chief all interest 4440
 or other income from any such ~~securities or certificates~~ 4441
certificate as it becomes due. If ~~securities~~ certificates so 4442
 deposited with and in the possession of the ~~treasurer of state~~ 4443
chief mature or are called for payment by their issuer, the 4444
~~treasurer of state~~ chief, at the request of the bidder who 4445
 deposited them, shall convert the proceeds ~~of the redemption or~~ 4446
~~payment of the securities~~ into other United States government 4447
~~securities~~, negotiable certificates of deposit, or cash as the 4448
 bidder designates. 4449

When the chief finds that a person or ~~governmental~~ agency has 4450
 failed to comply with the conditions of the person's or 4451
 governmental agency's bond, the chief shall make a finding of that 4452
 fact and declare the bond, cash, ~~securities~~, certificates, or 4453
 letters of credit forfeited. The chief thereupon shall certify the 4454
 total forfeiture to the attorney general, who shall proceed to 4455
 collect the amount of the bond, cash, ~~securities~~, certificates, or 4456
 letters of credit. 4457

In lieu of total forfeiture, the surety, at its option, may 4458
 cause the timber sale to be completed or pay to the ~~treasurer of~~ 4459
~~state~~ chief the cost thereof. 4460

All money collected as a result of forfeitures of bonds, 4461
 cash, ~~securities~~, certificates, and letters of credit under this 4462
 section shall be credited to the state forest fund created in this 4463
 section. 4464

(C) The chief may grant easements and leases on portions of 4465
 the state forest lands and state forest nurseries under terms that 4466
 are advantageous to the state, and the chief may grant mineral 4467
 rights on a royalty basis on those lands and nurseries, with the 4468
 approval of the attorney general and the director. 4469

(D) All money received from the sale of state forest lands, 4470
 or in payment for easements or leases on or as rents from those 4471
 lands or from state forest nurseries, shall be paid into the state 4472
 treasury to the credit of the state forest fund, which is hereby 4473
 created. In addition, all money received from federal grants, 4474
 payments, and reimbursements, from the sale of reforestation tree 4475
 stock, from the sale of forest products, other than standing 4476
 timber, and from the sale of minerals taken from the state forest 4477
 lands and state forest nurseries, together with royalties from 4478
 mineral rights, shall be paid into the state treasury to the 4479
 credit of the state forest fund. Any other revenues derived from 4480
 the operation of the state forests and related facilities or 4481
 equipment also shall be paid into the state treasury to the credit 4482
 of the state forest fund, as shall contributions received for the 4483
 issuance of Smokey Bear license plates under section 4503.574 of 4484
 the Revised Code and any other money required by law to be 4485
 deposited in the fund. Any revenue generated from agreements 4486
 entered into under section 1503.271 of the Revised Code shall be 4487
 deposited in the fund. 4488

The state forest fund shall not be expended for any purpose 4489
 other than the administration, operation, maintenance, 4490
 development, or utilization of the state forests, forest 4491
 nurseries, and forest programs; for facilities or equipment 4492
 incident to them; for the further purchase of lands for state 4493
 forest or forest nursery purposes; for wildfire suppression 4494
 payments; for fire prevention purposes in the case of 4495
 contributions received pursuant to section 4503.574 of the Revised 4496
 Code; or for forest management projects associated with federal 4497
 lands in the case of revenues received pursuant to agreements 4498
 entered into under section 1503.271 of the Revised Code. 4499

(E) All money received from the sale of standing timber taken 4500

from state forest lands and state forest nurseries shall be 4501
deposited into the state treasury to the credit of the forestry 4502
holding account redistribution fund, which is hereby created. The 4503
money shall remain in the fund until they are redistributed in 4504
accordance with this division. 4505

The redistribution shall occur at least once each year. To 4506
begin the redistribution, the chief first shall determine the 4507
amount of all standing timber sold from state forest lands and 4508
state forest nurseries, together with the amount of the total sale 4509
proceeds, in each county, in each township within the county, and 4510
in each school district within the county. The chief next shall 4511
determine the amount of the direct costs that the division of 4512
forestry incurred in association with the sale of that standing 4513
timber. The amount of the direct costs shall be subtracted from 4514
the amount of the total sale proceeds and shall be transferred 4515
from the forestry holding account redistribution fund to the state 4516
forest fund. 4517

The remaining amount of the total sale proceeds equals the 4518
net value of the standing timber that was sold. The chief shall 4519
determine the net value of standing timber sold from state forest 4520
lands and state forest nurseries in each county, in each township 4521
within the county, and in each school district within the county 4522
and shall send to each county treasurer a copy of the 4523
determination at the time that money is paid to the county 4524
treasurer under this division. 4525

Thirty-five per cent of the net value of standing timber sold 4526
from state forest lands and state forest nurseries located in a 4527
county shall be transferred from the forestry holding account 4528
redistribution fund to the state forest fund. The remaining 4529
sixty-five per cent of the net value shall be transferred from the 4530

forestry holding account redistribution fund and paid to the 4531
county treasurer for the use of the general fund of that county. 4532

The county auditor shall do all of the following: 4533

(1) Retain for the use of the general fund of the county 4534
one-fourth of the amount received by the county under division (E) 4535
of this section; 4536

(2) Pay into the general fund of any township located within 4537
the county and containing such lands and nurseries one-fourth of 4538
the amount received by the county from standing timber sold from 4539
lands and nurseries located in the township; 4540

(3) Request the board of education of any school district 4541
located within the county and containing such lands and nurseries 4542
to identify which fund or funds of the district should receive the 4543
money available to the school district under division (E)(3) of 4544
this section. After receiving notice from the board, the county 4545
auditor shall pay into the fund or funds so identified one-half of 4546
the amount received by the county from standing timber sold from 4547
lands and nurseries located in the school district, distributed 4548
proportionately as identified by the board. 4549

The division of forestry shall not supply logs, lumber, or 4550
other forest products or minerals, taken from the state forest 4551
lands or state forest nurseries, to any other agency or 4552
subdivision of the state unless payment is made therefor in the 4553
amount of the actual prevailing value thereof. This section is 4554
applicable to the money so received. 4555

(F) The chief may enter into a personal service contract for 4556
consulting services to assist the chief with the sale of timber or 4557
other forest products and related inventory. Compensation for 4558
consulting services shall be paid from the proceeds of the sale of 4559

timber or other forest products and related inventory that are the 4560
subject of the personal service contract. 4561

Sec. 1509.07. (A)(1)(a) Except as provided in division 4562
(A)(1)(b) or (A)(2) of this section, an owner of any well, except 4563
an exempt Mississippian well or an exempt domestic well, shall 4564
obtain liability insurance coverage from a company authorized or 4565
approved to do business in this state in an amount of not less 4566
than one million dollars bodily injury coverage and property 4567
damage coverage to pay damages for injury to persons or damage to 4568
property caused by the drilling, operation, or plugging of all the 4569
owner's wells in this state. However, if any well is located 4570
within an urbanized area, the owner shall obtain liability 4571
insurance coverage in an amount of not less than three million 4572
dollars for bodily injury coverage and property damage coverage to 4573
pay damages for injury to persons or damage to property caused by 4574
the drilling, operation, or plugging of all of the owner's wells 4575
in this state. 4576

(b) A board of county commissioners of a county that is an 4577
owner of a well or a board of township trustees of a township that 4578
is an owner of a well may elect to satisfy the liability coverage 4579
requirements specified in division (A)(1)(a) of this section by 4580
participating in a joint self-insurance pool in accordance with 4581
the requirements established under section 2744.081 of the Revised 4582
Code. Nothing in division (A)(1)(b) of this section shall be 4583
construed to allow an entity, other than a county or township, to 4584
participate in a joint self-insurance pool to satisfy the 4585
liability coverage requirements specified in division (A)(1)(a) of 4586
this section. 4587

(2) An owner of a horizontal well shall obtain liability 4588
insurance coverage from an insurer authorized to write such 4589

insurance in this state or from an insurer approved to write such 4590
insurance in this state under section 3905.33 of the Revised Code 4591
in an amount of not less than five million dollars bodily injury 4592
coverage and property damage coverage to pay damages for injury to 4593
persons or damage to property caused by the production operations 4594
of all the owner's wells in this state. The insurance policy shall 4595
include a reasonable level of coverage available for an 4596
environmental endorsement. 4597

(3) An owner shall maintain the coverage required under 4598
division (A)(1) or (2) of this section until all the owner's wells 4599
are plugged and abandoned or are transferred to an owner who has 4600
obtained insurance as required under this section and who is not 4601
under a notice of material and substantial violation or under a 4602
suspension order. The owner shall provide proof of liability 4603
insurance coverage to the chief of the division of oil and gas 4604
resources management upon request. Upon failure of the owner to 4605
provide that proof when requested, the chief may order the 4606
suspension of any outstanding permits and operations of the owner 4607
until the owner provides proof of the required insurance coverage. 4608

(B)(1) Except as otherwise provided in this section, an owner 4609
of any well, before being issued a permit under section 1509.06 of 4610
the Revised Code or before operating or producing from a well, 4611
shall execute and file with the division of oil and gas resources 4612
management a surety bond conditioned on compliance with the 4613
restoration requirements of section 1509.072, the plugging 4614
requirements of section 1509.12, the permit provisions of section 4615
1509.13 of the Revised Code, and all rules and orders of the chief 4616
relating thereto, in an amount set by rule of the chief. 4617

(2) The owner may deposit with the chief, instead of a surety 4618
bond, cash in an amount equal to the surety bond as prescribed 4619

pursuant to this section or negotiable certificates of deposit or 4620
 irrevocable letters of credit, issued by any bank organized or 4621
 transacting business in this state, having a cash value equal to 4622
 or greater than the amount of the surety bond as prescribed 4623
 pursuant to this section. Cash or certificates of deposit shall be 4624
 deposited upon the same terms as those upon which surety bonds may 4625
 be deposited. If the owner deposits cash, the cash shall be 4626
credited to the performance cash bond refunds fund created in 4627
section 1501.04 of the Revised Code. If the owner deposits 4628
~~certificates of deposit are deposited with the chief instead of a~~ 4629
~~surety bond,~~ the chief shall require the bank that issued any such 4630
 certificate to pledge securities of a cash value equal to the 4631
 amount of the certificate that is in excess of the amount insured 4632
 by ~~any of the agencies and instrumentalities created under the~~ 4633
~~"Federal Deposit Insurance Act," 64 Stat. 873 (1950), 12 U.S.C.~~ 4634
~~1811, as amended, and regulations adopted under it, including at~~ 4635
~~least~~ the federal deposit insurance corporation. The securities 4636
 shall be security for the repayment of the certificate of deposit. 4637

~~Immediately upon~~ Upon a deposit of cash, certificates of 4638
 deposit, or letters of credit with the chief, the chief shall 4639
~~deliver them to the treasurer of state who shall~~ hold them in 4640
 trust for the purposes for which they have been deposited. 4641

(3) Instead of a surety bond, the chief may accept proof of 4642
 financial responsibility consisting of a sworn financial statement 4643
 showing a net financial worth within this state equal to twice the 4644
 amount of the bond for which it substitutes and, as may be 4645
 required by the chief, a list of producing properties of the owner 4646
 within this state or other evidence showing ability and intent to 4647
 comply with the law and rules concerning restoration and plugging 4648
 that may be required by rule of the chief. The owner of an exempt 4649
 Mississippian well is not required to file scheduled updates of 4650

the financial documents, but shall file updates of those documents 4651
if requested to do so by the chief. The owner of a nonexempt 4652
Mississippian well shall file updates of the financial documents 4653
in accordance with a schedule established by rule of the chief. 4654
The chief, upon determining that an owner for whom the chief has 4655
accepted proof of financial responsibility instead of bond cannot 4656
demonstrate financial responsibility, shall order that the owner 4657
execute and file a bond or deposit cash, certificates of deposit, 4658
or irrevocable letters of credit as required by this section for 4659
the wells specified in the order within ten days of receipt of the 4660
order. If the order is not complied with, all wells of the owner 4661
that are specified in the order and for which no bond is filed or 4662
cash, certificates of deposit, or letters of credit are deposited 4663
shall be plugged. No owner shall fail or refuse to plug such a 4664
well. Each day on which such a well remains unplugged thereafter 4665
constitutes a separate offense. 4666

(4) The surety bond provided for in this section shall be 4667
executed by a surety company authorized to do business in this 4668
state. 4669

The chief shall not approve any bond until it is personally 4670
signed and acknowledged by both principal and surety, or as to 4671
either by the principal's or surety's attorney in fact, with a 4672
certified copy of the power of attorney attached thereto. The 4673
chief shall not approve a bond unless there is attached a 4674
certificate of the superintendent of insurance that the company is 4675
authorized to transact a fidelity and surety business in this 4676
state. 4677

All bonds shall be given in a form to be prescribed by the 4678
chief and shall run to the state as obligee. 4679

(5) An owner of an exempt Mississippian well or an exempt 4680

domestic well, in lieu of filing a surety bond, cash in an amount
equal to the surety bond, certificates of deposit, irrevocable
letters of credit, or a sworn financial statement, may file a
one-time fee of fifty dollars, which shall be deposited in the oil
and gas well plugging fund created in section 1509.071 of the
Revised Code.

(C) An owner, operator, producer, or other person shall not
operate a well or produce from a well at any time if the owner,
operator, producer, or other person has not satisfied the
requirements established in this section.

Sec. 1509.225. (A) Before being issued a registration
certificate under section 1509.222 of the Revised Code, an
applicant shall execute and file with the division of oil and gas
resources management a surety bond for fifteen thousand dollars to
provide compensation for damage and injury resulting from
transporters' violations of sections 1509.22, 1509.222, and
1509.223 of the Revised Code, all rules and orders of the chief of
the division of oil and gas resources management relating thereto,
and all terms and conditions of the registration certificate
imposed thereunder. The applicant may deposit with the chief, in
lieu of a surety bond, cash in an amount equal to the surety bond
as prescribed in this section, or negotiable certificates of
deposit issued by any bank organized or transacting business in
this state having a cash value equal to or greater than the amount
of the surety bond as prescribed in this section. Cash or
certificates of deposit shall be deposited upon the same terms as
those upon which surety bonds may be deposited, and the chief
shall hold them in trust for the purposes for which they have been
deposited. If the applicant deposits cash, the cash shall be
credited to the performance cash bond refunds fund created in

section 1501.04 of the Revised Code. If the applicant deposits 4711
certificates of deposit ~~are deposited with the chief in lieu of a~~ 4712
~~surety bond~~, the chief shall require the bank that issued any such 4713
certificate to pledge securities of a cash value equal to the 4714
amount of the certificate that is in excess of the amount insured 4715
by ~~any of the agencies and instrumentalities created under the~~ 4716
~~"Federal Deposit Insurance Act," 64 Stat. 873 (1950), 12 U.S.C.~~ 4717
~~1811, as amended, and regulations adopted under it, including at~~ 4718
~~least the federal deposit insurance corporation.~~ 4719

Such corporation. Such securities shall be security for the 4720
repayment of the certificate of deposit. ~~Immediately upon a~~ 4721
~~deposit of cash or certificates with the chief, the chief shall~~ 4722
~~deliver it to the treasurer of state who shall hold it in trust~~ 4723
~~for the purposes for which it has been deposited.~~ 4724

(B) The surety bond provided for in this section shall be 4725
executed by a surety company authorized to do business in this 4726
state. The chief shall not approve any bond until it is personally 4727
signed and acknowledged by both principal and surety, or as to 4728
either by an attorney in fact, with a certified copy of the power 4729
of attorney attached thereto. The chief shall not approve the bond 4730
unless there is attached a certificate of the superintendent of 4731
insurance that the company is authorized to transact a fidelity 4732
and surety business in this state. All bonds shall be given in a 4733
form to be prescribed by the chief. 4734

(C) If a registered transporter is found liable for a 4735
violation of section 1509.22, 1509.222, or 1509.223 of the Revised 4736
Code or a rule, order, or term or condition of a certificate 4737
involving, in any case, damage or injury to persons or property, 4738
or both, the court may order the forfeiture of any portion of the 4739
bond, cash, or other securities required by this section in full 4740
or partial payment of damages to the person to whom the damages 4741

are due. The ~~treasurer of state and the~~ chief shall deliver the 4742
bond or any cash or other securities deposited in lieu of bond, as 4743
specified in the court's order, to the person to whom the damages 4744
are due; however, execution against the bond, cash, or other 4745
securities, if necessary, is the responsibility of the person to 4746
whom the damages are due. The chief shall not release the bond, 4747
cash, or securities required by this section except by court order 4748
or until the registration is terminated. 4749

Sec. 1514.04. (A) Upon receipt of notification from the chief 4750
of the division of mineral resources management of the chief's 4751
intent to issue an order granting a surface or in-stream mining 4752
permit to the applicant, the applicant shall file a surety bond, 4753
cash, an irrevocable letter of credit, or certificates of deposit 4754
in the amount, unless otherwise provided by rule, of ten thousand 4755
dollars. If the amount of land to be affected is more than twenty 4756
acres, the applicant also shall file a surety bond, cash, an 4757
irrevocable letter of credit, or certificates of deposit in the 4758
amount of five hundred dollars per acre of land to be affected 4759
that exceeds twenty acres. Upon receipt of notification from the 4760
chief of the chief's intent to issue an order granting an 4761
amendment to a surface or in-stream mining permit, the applicant 4762
shall file a surety bond, cash, an irrevocable letter of credit, 4763
or certificates of deposit in the amount required in this 4764
division. 4765

In the case of a surface mining permit, the bond shall be 4766
filed based on the number of acres estimated to be affected during 4767
the first year of operation under the permit. In the case of an 4768
amendment to a surface mining permit, the bond shall be filed 4769
based on the number of acres estimated to be affected during the 4770
balance of the period until the next anniversary date of the 4771

permit.

4772

In the case of an in-stream mining permit, the bond shall be filed based on the number of acres of land within the limits of the in-stream mining permit for the entire permit period. In the case of an amendment to an in-stream mining permit, the bond shall be filed based on the number of any additional acres of land to be affected within the limits of the in-stream mining permit.

4773

4774

4775

4776

4777

4778

(B) A surety bond filed pursuant to this section and sections 1514.02 and 1514.03 of the Revised Code shall be upon the form that the chief prescribes and provides and shall be signed by the operator as principal and by a surety company authorized to transact business in the state as surety. The bond shall be payable to the state and shall be conditioned upon the faithful performance by the operator of all things to be done and performed by the operator as provided in this chapter and the rules and orders of the chief adopted or issued pursuant thereto.

4779

4780

4781

4782

4783

4784

4785

4786

4787

The operator may deposit with the chief, in lieu of a surety bond, cash in an amount equal to the surety bond as prescribed in this section or an irrevocable letter of credit or negotiable certificates of deposit issued by any bank organized or transacting business in this state having a cash value equal to or greater than the amount of the surety bond as prescribed in this section. Cash or certificates of deposit shall be deposited upon the same terms as the terms upon which surety bonds may be deposited. If the operator deposits cash, the cash shall be credited to the performance cash bond refunds fund created in section 1501.04 of the Revised Code. ~~If one or more the operator deposits certificates of deposit are deposited with the chief in lieu of a surety bond,~~ the chief shall require the bank that issued any such certificate to pledge securities of a cash value

4788

4789

4790

4791

4792

4793

4794

4795

4796

4797

4798

4799

4800

4801

equal to the amount of the certificate,~~or certificates,~~ that is 4802
in excess of the amount insured by the federal deposit insurance 4803
corporation. The securities shall be security for the repayment of 4804
the certificate of deposit. 4805

(C) ~~Immediately upon~~ Upon a deposit of cash, a letter of 4806
credit, or certificates with the chief, the chief shall ~~deliver it~~ 4807
~~to the treasurer of state who shall~~ hold it in trust for the 4808
purposes for which it has been deposited. The ~~treasurer of state~~ 4809
chief shall be responsible for the safekeeping of such deposits. 4810
An operator making a deposit of cash, a letter of credit, or 4811
certificates of deposit may withdraw and receive, from the 4812
~~treasurer of state, on the written order of the~~ chief, all or any 4813
part of the cash, letter of credit, or certificates in the 4814
possession of the ~~treasurer of state,~~ chief upon depositing with 4815
the ~~treasurer of state cash, or~~ chief an irrevocable letter of 4816
credit or negotiable certificates of deposit issued by any bank 4817
organized or transacting business in this state, equal in value to 4818
the value of the cash, letter of credit, or certificates 4819
withdrawn. An operator may demand and receive from the ~~treasurer~~ 4820
~~of state~~ chief all interest or other income from any certificates 4821
as it becomes due. If certificates deposited with and in the 4822
possession of the ~~treasurer of state~~ chief mature or are called 4823
for payment by the issuer thereof, the ~~treasurer of state~~ chief, 4824
at the request of the operator who deposited them, shall convert 4825
the proceeds of the redemption or payment of the certificates into 4826
such other negotiable certificates of deposit issued by any bank 4827
organized or transacting business in this state or cash, as may be 4828
designated by the operator. 4829

(D) A governmental agency, as defined in division (A) of 4830
section 1514.022 of the Revised Code, or a board or commission 4831
that derives its authority from a governmental agency shall not 4832

require a surface or in-stream mining operator to file a surety 4833
bond or any other form of financial assurance for the reclamation 4834
of land to be affected by a surface or in-stream mining operation 4835
authorized under this chapter. 4836

Sec. 1514.05. (A) At any time within the period allowed an 4837
operator by section 1514.02 of the Revised Code to reclaim an area 4838
of land affected by surface or in-stream mining, the operator may 4839
file a request, on a form provided by the chief of the division of 4840
mineral resources management, for inspection of the area of land 4841
upon which the reclamation, other than any required planting, is 4842
completed. The request shall include all of the following: 4843

(1) The location of the area and number of acres; 4844

(2) The permit number; 4845

(3) A map showing the location of the acres reclaimed, 4846
prepared and certified in accordance with division (A)(11) or (12) 4847
of section 1514.02 of the Revised Code, as appropriate. In the 4848
case of an in-stream mining operation, the map also shall include, 4849
as applicable, the information required under division (A)(18) of 4850
section 1514.02 of the Revised Code. 4851

The chief shall make an inspection and evaluation of the 4852
reclamation of the area of land for which the request was 4853
submitted within ninety days after receipt of the request or, if 4854
the operator fails to complete the reclamation or file the request 4855
as required, as soon as the chief learns of the default. 4856

Thereupon, if the chief approves the reclamation, other than any 4857
required planting, as meeting the requirements of this chapter, 4858
rules adopted thereunder, any orders issued during the mining or 4859
reclamation, and the specifications of the plan for mining and 4860
reclaiming, the chief shall issue an order to the operator and the 4861

operator's surety releasing them from liability for one-half of 4862
the total amount of their surety bond on deposit to ensure 4863
reclamation for the area upon which reclamation is completed. If 4864
the operator has deposited cash, an irrevocable letter of credit, 4865
or certificates of deposit in lieu of a surety bond to ensure 4866
reclamation, the chief shall ~~issue an order~~ deliver to the 4867
operator ~~releasing or the operator's authorized agent~~ one-half of 4868
the amount so held and ~~promptly shall transmit a certified copy of~~ 4869
~~the order to the treasurer of state. Upon presentation of the~~ 4870
~~order to the treasurer of state by the operator to whom it was~~ 4871
~~issued, or by the operator's authorized agent, the treasurer of~~ 4872
~~state shall deliver to the operator or the operator's authorized~~ 4873
~~agent the cash, irrevocable letter of credit, or certificates of~~ 4874
~~deposit designated in the order.~~ 4875

If the chief does not approve the reclamation, other than any 4876
required planting, the chief shall notify the operator by 4877
certified mail. The notice shall be an order stating the reasons 4878
for unacceptability, ordering further actions to be taken, and 4879
setting a time limit for compliance. If the operator does not 4880
comply with the order within the time limit specified, the chief 4881
may order an extension of time for compliance after determining 4882
that the operator's noncompliance is for good cause, resulting 4883
from developments partially or wholly beyond the operator's 4884
control. If the operator complies within the time limit or the 4885
extension of time granted for compliance, the chief shall order 4886
release of the performance bond in the same manner as in the case 4887
of approval of reclamation, other than any required planting, by 4888
the chief, and the ~~treasurer of state~~ chief shall proceed as in 4889
that case. If the operator does not comply within the time limit 4890
and the chief does not order an extension, or if the chief orders 4891
an extension of time and the operator does not comply within the 4892

extension of time granted for compliance, the chief shall issue 4893
another order declaring that the operator has failed to reclaim 4894
and, if the operator's permit has not already expired or been 4895
revoked, revoking the operator's permit. The chief shall thereupon 4896
proceed under division (C) of this section. 4897

(B) At any time within the period allowed an operator by 4898
section 1514.02 of the Revised Code to reclaim an area affected by 4899
surface mining, the operator may file a request, on a form 4900
provided by the chief, for inspection of the area of land on which 4901
all reclamation, including the successful establishment of any 4902
required planting, is completed. The request shall include all of 4903
the following: 4904

(1) The location of the area and number of acres; 4905

(2) The permit number; 4906

(3) The type and date of any required planting of vegetative 4907
cover and the degree of success of growth; 4908

(4) A map showing the location of the acres reclaimed, 4909
prepared and certified in accordance with division (A)(11) or (12) 4910
of section 1514.02 of the Revised Code, as appropriate. In the 4911
case of an in-stream mining operation, the map also shall include 4912
the information required under division (A)(18) of section 1514.02 4913
of the Revised Code. 4914

The chief shall make an inspection and evaluation of the 4915
reclamation of the area of land for which the request was 4916
submitted within ninety days after receipt of the request or, if 4917
the operator fails to complete the reclamation or file the request 4918
as required, as soon as the chief learns of the default. 4919
Thereupon, if the chief finds that the reclamation meets the 4920
requirements of this chapter, rules adopted under it, any orders 4921
issued during the mining and reclamation, and the specifications 4922

of the plan for mining and reclaiming and decides to release any 4923
remaining performance bond on deposit to ensure reclamation of the 4924
area on which reclamation is completed, within ten days of 4925
completing the inspection and evaluation, the chief shall order 4926
release of the remaining performance bond in the same manner as in 4927
the case of approval of reclamation other than required planting, 4928
and the ~~treasurer of state~~ chief shall proceed as in that case. 4929

If the chief does not approve the reclamation performed by 4930
the operator, the chief shall notify the operator by certified 4931
mail within ninety days of the filing of the application for 4932
inspection or of the date when the chief learns of the default. 4933
The notice shall be an order stating the reasons for 4934
unacceptability, ordering further actions to be taken, and setting 4935
a time limit for compliance. If the operator does not comply with 4936
the order within the time limit specified, the chief may order an 4937
extension of time for compliance after determining that the 4938
operator's noncompliance is for good cause, resulting from 4939
developments partially or wholly beyond the operator's control. If 4940
the operator complies within the time limit or the extension of 4941
time granted for compliance, the chief shall order release of the 4942
remaining performance bond in the same manner as in the case of 4943
approval of reclamation by the chief, and the ~~treasurer of state~~ 4944
chief shall proceed as in that case. If the operator does not 4945
comply within the time limit and the chief does not order an 4946
extension, or if the chief orders an extension of time and the 4947
operator does not comply within the extension of time granted for 4948
compliance, the chief shall issue another order declaring that the 4949
operator has failed to reclaim and, if the operator's permit has 4950
not already expired or been revoked, revoking the operator's 4951
permit. The chief then shall proceed under division (C) of this 4952
section. 4953

(C) Upon issuing an order under division (A) or (B) of this section declaring that the operator has failed to reclaim, the chief shall make a finding as to the number and location of the acres of land that the operator has failed to reclaim in the manner required by this chapter. The chief shall order the release of the performance bond in the amount of five hundred dollars per acre for those acres that the chief finds to have been reclaimed in the manner required by this chapter. The release shall be ordered in the same manner as in the case of other approval of reclamation by the chief, and the ~~treasurer of state~~ chief shall proceed as in that case. If the operator has on deposit cash, an irrevocable letter of credit, or certificates of deposit to ensure reclamation of the area of the land affected, the chief at the same time shall issue an order declaring that the remaining cash, irrevocable letter of credit, or certificates of deposit are the property of the state and are available for use by the chief in performing reclamation of the area and shall proceed in accordance with section 1514.06 of the Revised Code.

If the operator has on deposit a surety bond to ensure reclamation of the area of land affected, the chief shall notify the surety in writing of the operator's default and shall request the surety to perform the surety's obligation and that of the operator. The surety, within ten days after receipt of the notice, shall notify the chief as to whether it intends to perform those obligations.

If the surety chooses to perform, it shall arrange for work to begin within thirty days of the day on which it notifies the chief of its decision. If the surety completes the work as required by this chapter, the chief shall issue an order to the surety releasing the surety from liability under the bond in the same manner as if the surety were an operator proceeding under

this section. If, after the surety begins the work, the chief
determines that the surety is not carrying the work forward with
reasonable progress, or that it is improperly performing the work,
or that it has abandoned the work or otherwise failed to perform
its obligation and that of the operator, the chief shall issue an
order terminating the right of the surety to perform the work and
demanding payment of the amount due as required by this chapter.

If the surety chooses not to perform and so notifies the
chief, does not respond to the chief's notice within ten days of
receipt thereof, or fails to begin work within thirty days of the
day it timely notifies the chief of its decision to perform its
obligation and that of the operator, the chief shall issue an
order terminating the right of the surety to perform the work and
demanding payment of the amount due, as required by this chapter.

Upon receipt of an order of the chief demanding payment of
the amount due, the surety immediately shall deposit with the
chief cash in the full amount due under the order for deposit with
the ~~treasurer of state~~ chief. If the surety fails to make an
immediate deposit, the chief shall certify it to the attorney
general for collection. When the chief has issued an order
terminating the right of the surety and has the cash on deposit,
the cash is the property of the state and is available for use by
the chief, who shall proceed in accordance with section 1514.06 of
the Revised Code.

Sec. 1521.061. (A)(1) Except as otherwise provided in this
section, the chief of the division of water resources shall not
issue a construction permit under section 1521.06 of the Revised
Code unless the person or governmental agency applying for the
permit executes and files a surety bond conditioned on completion
of the dam or levee in accordance with the terms of the permit and

the plans and specifications approved by the chief. Except as 5015
provided in division (A)(2) of this section, the surety bond shall 5016
equal: 5017

(a) \$50,000 for the first \$500,000 of the estimated cost of 5018
the project; plus 5019

(b) Twenty-five per cent of the estimated cost for the next 5020
\$4,500,000 of the estimated cost of the project; plus 5021

(c) Ten per cent of the estimated cost that exceeds 5022
\$5,000,000. 5023

(2) The chief may reduce the amount of the required surety 5024
bond to the amount equal to the cost estimate of construction 5025
activities necessary to render the dam nonhazardous if the cost 5026
estimate is provided by the applicant and approved by the chief. 5027

(B) If a permittee requests an extension of the time period 5028
during which a construction permit is valid in accordance with 5029
rules adopted under section 1521.06 of the Revised Code, the chief 5030
shall determine whether the revised construction cost estimate 5031
provided with the request exceeds the original construction cost 5032
estimate that was filed with the chief by more than twenty-five 5033
per cent. If the revised construction cost estimate exceeds the 5034
original construction cost estimate by more than twenty-five per 5035
cent, the chief may require an additional surety bond to be filed 5036
in an amount determined in accordance with division (A) of this 5037
section based on the revised construction cost estimate. 5038

(C) The chief shall not approve any bond until it is 5039
personally signed and acknowledged by both principal and surety, 5040
or as to either by the attorney in fact thereof, with a certified 5041
copy of the power of attorney attached. The chief shall not 5042
approve the bond unless there is attached a certificate of the 5043
superintendent of insurance that the company is authorized to 5044

transact a fidelity and surety business in this state. 5045

All bonds shall be given in a form prescribed by the chief 5046
and shall run to the state as obligee. 5047

(D)(1) The applicant may deposit, in lieu of a bond, cash in 5048
an amount equal to the amount of the bond or ~~United States~~ 5049
~~government securities or~~ negotiable certificates of deposit issued 5050
by any bank organized or transacting business in this state having 5051
a par value equal to or greater than the amount of the bond. Such 5052
cash or securities shall be deposited upon the same terms as 5053
bonds. If one or more certificates of deposit are deposited in 5054
lieu of a bond, the chief shall require the bank that issued any 5055
such certificate to pledge securities of the aggregate market 5056
value equal to the amount of the certificate that is in excess of 5057
the amount insured by the federal deposit insurance corporation. 5058
The securities to be pledged shall be those designated as eligible 5059
under section 135.18 of the Revised Code. The securities shall be 5060
security for the repayment of the certificate of deposit. 5061

(2) ~~Immediately upon~~ Upon a deposit of cash, ~~securities,~~ or 5062
certificates of deposit, the chief shall ~~deliver them to the~~ 5063
~~treasurer of state, who shall~~ hold them in trust for the purposes 5064
for which they have been deposited. ~~The treasurer of state is~~ 5065
~~responsible for the safekeeping of such deposits. If the applicant~~ 5066
deposits cash, the cash shall be credited to the performance cash 5067
bond refunds fund created in section 1501.04 of the Revised Code. 5068
An applicant making a deposit of cash, ~~securities,~~ or certificates 5069
of deposit may withdraw and receive, from the ~~treasurer of state,~~ 5070
~~on the written order of the chief,~~ all or any portion of the cash, 5071
~~securities,~~ or certificates of deposit, ~~upon depositing with the~~ 5072
~~treasurer of state cash,~~ chief other ~~United States government~~ 5073
~~securities, or~~ negotiable certificates of deposit issued by any 5074

bank organized or transacting business in this state equal in par 5075
 value to the par value of the cash, ~~securities~~, or certificates of 5076
 deposit withdrawn. An applicant may demand and receive from the 5077
~~treasurer of state~~ chief all interest or other income from any 5078
 such ~~securities~~ or certificates as it becomes due. If ~~securities~~ 5079
certificates so deposited with and in the possession of the 5080
~~treasurer of state~~ chief mature or are called for payment by the 5081
 issuer thereof, the ~~treasurer of state~~ chief, at the request of 5082
 the applicant who deposited them, shall convert the proceeds of 5083
 the redemption or payment of the ~~securities~~ certificates into ~~such~~ 5084
 other ~~United States government securities~~, negotiable certificates 5085
 of deposit issued by any bank organized or transacting business in 5086
 this state, or cash as the applicant designates. 5087

(E)(1) When the chief finds that a person or governmental 5088
 agency has failed to comply with the conditions of the person's or 5089
 agency's bond, the chief shall make a finding of that fact and 5090
 declare the bond, cash, ~~securities~~, or certificates of deposit 5091
 forfeited in the amount set by rule of the chief. The chief shall 5092
 thereupon certify the total forfeiture to the attorney general, 5093
 who shall proceed to collect that amount. 5094

(2) In lieu of total forfeiture, the surety, at its option, 5095
 may cause the dam or levee to be completed as required by section 5096
 1521.06 of the Revised Code and rules of the chief, or otherwise 5097
 rendered nonhazardous, or pay to the ~~treasurer of state~~ chief the 5098
 cost thereof. 5099

(F)(1) All moneys collected on account of forfeitures of 5100
 bonds, cash, ~~securities~~, and certificates of deposit under this 5101
 section shall be credited to the dam safety fund created in 5102
 section 1521.06 of the Revised Code. The chief shall make 5103
 expenditures from the fund to complete dams and levees for which 5104
 bonds have been forfeited or to otherwise render them 5105

nonhazardous. 5106

(2) Expenditures from the fund for those purposes shall be 5107
made pursuant to contracts entered into by the chief with persons 5108
who agree to furnish all of the materials, equipment, work, and 5109
labor as specified and provided in the contract. 5110

(G) A surety bond shall not be required for a permit for a 5111
dam or levee that is to be designed and constructed by an agency 5112
of the United States government, if the agency files with the 5113
chief written assurance of the agency's financial responsibility 5114
for the structure for one year following the chief's approval of 5115
the completed construction provided for under division (E) of 5116
section 1521.06 of the Revised Code. 5117

Sec. 1548.06. (A)(1) Application for a certificate of title 5118
for a watercraft or outboard motor shall be made upon a form 5119
prescribed by the chief of the division of parks and watercraft 5120
and shall be sworn to before a notary public or other officer 5121
empowered to administer oaths. The application shall be filed with 5122
the clerk of any court of common pleas. An application for a 5123
certificate of title may be filed electronically by any electronic 5124
means approved by the chief in any county with the clerk of the 5125
court of common pleas of that county. The application shall be 5126
accompanied by the fee prescribed in section 1548.10 of the 5127
Revised Code. The fee shall be retained by the clerk who issues 5128
the certificate of title and shall be distributed in accordance 5129
with that section. If a clerk of a court of common pleas, other 5130
than the clerk of the court of common pleas of an applicant's 5131
county of residence, issues a certificate of title to the 5132
applicant, the clerk shall transmit data related to the 5133
transaction to the automated title processing system. 5134

(2) If a certificate of title previously has been issued for 5135

the watercraft or outboard motor, the application for a 5136
certificate of title also shall be accompanied by the certificate 5137
of title duly assigned unless otherwise provided in this chapter. 5138
If a certificate of title previously has not been issued for the 5139
watercraft or outboard motor in this state, the application, 5140
unless otherwise provided in this chapter, shall be accompanied by 5141
a manufacturer's or importer's certificate; by a sworn statement 5142
of ownership if the watercraft or outboard motor was purchased by 5143
the applicant on or before October 9, 1963, or if the watercraft 5144
is less than fourteen feet long with a permanently affixed 5145
mechanical means of propulsion and was purchased by the applicant 5146
on or before January 1, 2000; or by a certificate of title, bill 5147
of sale, or other evidence of ownership required by the law of 5148
another state from which the watercraft or outboard motor was 5149
brought into this state. Evidence of ownership of a watercraft or 5150
outboard motor for which an Ohio certificate of title previously 5151
has not been issued and which watercraft or outboard motor does 5152
not have permanently affixed to it a manufacturer's serial number 5153
shall be accompanied by the certificate of assignment of a hull 5154
identification number assigned by the chief as provided in section 5155
1548.07 of the Revised Code. 5156

(3) The clerk shall retain the evidence of title presented by 5157
the applicant and on which the certificate of title is issued, 5158
except that, if an application for a certificate of title is filed 5159
electronically, by a vendor on behalf of a purchaser of a 5160
watercraft or outboard motor, the clerk shall retain the completed 5161
electronic record to which the vendor converted the certificate of 5162
title application and other required documents. The chief, after 5163
consultation with the attorney general, shall adopt rules that 5164
govern the location at which, and the manner in which, are stored 5165
the actual application and all other documents relating to the 5166

sale of a watercraft or outboard motor when a vendor files the 5167
application for a certificate of title electronically on behalf of 5168
a purchaser. 5169

(B) The clerk shall use reasonable diligence in ascertaining 5170
whether the facts in the application are true by checking the 5171
application and documents accompanying it or the electronic record 5172
to which a vendor converted the application and accompanying 5173
documents with the records of watercraft and outboard motors in 5174
the clerk's office. If the clerk is satisfied that the applicant 5175
is the owner of the watercraft or outboard motor and that the 5176
application is in the proper form, the clerk shall issue a 5177
physical certificate of title over the clerk's signature and 5178
sealed with the clerk's seal unless the applicant specifically 5179
requests the clerk not to issue a physical certificate of title 5180
and instead to issue an electronic certificate of title. However, 5181
if the evidence indicates and an investigation shows that one or 5182
more Ohio titles already exist for the watercraft or outboard 5183
motor, the chief may cause the redundant title or titles to be 5184
canceled. 5185

(C) In the case of the sale of a watercraft or outboard motor 5186
by a vendor to a general purchaser or user, the certificate of 5187
title shall be obtained in the name of the purchaser by the vendor 5188
upon application signed by the purchaser. In all other cases, the 5189
certificate shall be obtained by the purchaser. In all cases of 5190
transfer of watercraft or outboard motors, the application for 5191
certificate of title shall be filed within thirty days after the 5192
later of the date of purchase or assignment of ownership of the 5193
watercraft or outboard motor. If the application for certificate 5194
of title is not filed within thirty days after the later of the 5195
date of purchase or assignment of ownership of the watercraft or 5196
outboard motor, the clerk shall charge a late penalty fee of five 5197

dollars in addition to the fee prescribed by section 1548.10 of 5198
the Revised Code. The clerk shall retain the entire amount of each 5199
late penalty fee. 5200

(D) The clerk shall refuse to accept an application for 5201
certificate of title unless the applicant either tenders with the 5202
application payment of all taxes levied by or pursuant to Chapter 5203
5739. or 5741. of the Revised Code based on the applicant's county 5204
of residence less, in the case of a sale by a vendor, any discount 5205
to which the vendor is entitled under section 5739.12 of the 5206
Revised Code, or submits any of the following: 5207

(1) A receipt issued by the tax commissioner or a clerk of 5208
courts showing payment of the tax; 5209

(2) A copy of the unit certificate of exemption completed by 5210
the purchaser at the time of sale as provided in section 5739.03 5211
of the Revised Code; 5212

(3) An exemption certificate, in a form prescribed by the tax 5213
commissioner, that specifies why the purchase is not subject to 5214
the tax imposed by Chapter 5739. or 5741. of the Revised Code. 5215

Payment of the tax shall be in accordance with rules issued 5216
by the tax commissioner, and the clerk shall issue a receipt in 5217
the form prescribed by the tax commissioner to any applicant who 5218
tenders payment of the tax with the application for the 5219
certificate of title. 5220

(E)(1) For receiving and disbursing the taxes paid to the 5221
clerk by a resident of the clerk's county, the clerk may retain a 5222
poundage fee of one and one one-hundredth per cent of the taxes 5223
collected, which shall be paid into the certificate of title 5224
administration fund created by section 325.33 of the Revised Code. 5225
The clerk shall not retain a poundage fee from payments of taxes 5226

by persons who do not reside in the clerk's county. 5227

(2) A clerk, however, may retain from the taxes paid to the 5228
clerk an amount equal to the poundage fees associated with 5229
certificates of title issued by other clerks of courts of common 5230
pleas to applicants who reside in the first clerk's county. The 5231
chief of the division of parks and watercraft, in consultation 5232
with the tax commissioner and the clerks of the courts of common 5233
pleas, shall develop a report from the automated title processing 5234
system that informs each clerk of the amount of the poundage fees 5235
that the clerk is permitted to retain from those taxes because of 5236
certificates of title issued by the clerks of other counties to 5237
applicants who reside in the first clerk's county. 5238

(F) In the case of casual sales of watercraft or outboard 5239
motors that are subject to the tax imposed by Chapter 5739. or 5240
5741. of the Revised Code, the purchase price for the purpose of 5241
determining the tax shall be the purchase price on an affidavit 5242
executed and filed with the clerk by the vendor on a form to be 5243
prescribed by the chief, which shall be prima-facie evidence of 5244
the price for the determination of the tax. In addition to the 5245
information required by section 1548.08 of the Revised Code, each 5246
certificate of title shall contain in bold lettering the following 5247
notification and statements: "WARNING TO TRANSFEROR AND TRANSFEREE 5248
(SELLER AND BUYER). You are required by law to state the true 5249
selling price. A false statement is a violation of section 2921.13 5250
of the Revised Code and is punishable by six months imprisonment 5251
or a fine of up to one thousand dollars, or both. All transfers 5252
are audited by the department of taxation. The seller and buyer 5253
must provide any information requested by the department of 5254
taxation. The buyer may be assessed any additional tax found to be 5255
due." 5256

(G) Each county clerk of courts shall forward to the 5257
~~treasurer of state tax commissioner~~ all sales and use tax 5258
collections resulting from sales of titled watercraft and outboard 5259
motors during a calendar week on or before the Friday following 5260
the close of that week. If, on any Friday, the offices of the 5261
clerk of courts or the state are not open for business, the tax 5262
shall be forwarded to the ~~treasurer of state~~ commissioner on or 5263
before the next day on which the offices are open. Every 5264
remittance of tax under this division shall be accompanied by a 5265
remittance report in such form as the ~~tax~~ commissioner prescribes. 5266
~~Upon receipt of a tax remittance and remittance report, the~~ 5267
~~treasurer of state shall date stamp the report and forward it to~~ 5268
~~the tax commissioner.~~ If the tax due for any week is not remitted 5269
by a clerk of courts as required under this division, the clerk 5270
shall forfeit the poundage fees for the sales made during that 5271
week. The ~~treasurer of state~~ commissioner may require the clerks 5272
of courts to transmit tax collections and remittance reports 5273
electronically. 5274

(H) For purposes of a transfer of a certificate of title, if 5275
the clerk is satisfied that a secured party has discharged a lien 5276
but has not canceled the lien notation with a clerk, the clerk may 5277
cancel the lien notation on the automated title processing system 5278
and notify the clerk of the county of origin. 5279

(I) Every clerk shall have the capability to transact by 5280
electronic means all procedures and transactions relating to the 5281
issuance of watercraft or outboard motor certificates of title 5282
that are described in the Revised Code as being accomplished by 5283
electronic means. 5284

Sec. 1733.04. (A) In addition to the authority conferred by 5285
section 1701.13 of the Revised Code, but subject to any 5286

limitations contained in sections 1733.01 to 1733.45 of the	5287
Revised Code, and its articles and regulations, a credit union may	5288
do any of the following:	5289
(1) Make loans as provided in section 1733.25 of the Revised	5290
Code;	5291
(2) Invest its money as provided in section 1733.30 of the	5292
Revised Code;	5293
(3) If authorized by the code of regulations, rebate to the	5294
borrowing members a portion of the member's interest paid to the	5295
credit union;	5296
(4) If authorized by the regulations, charge a membership or	5297
entrance fee;	5298
(5) Purchase group savings life insurance and group credit	5299
life insurance;	5300
(6) Make reasonable contributions to any nonprofit civic,	5301
charitable, or service organizations;	5302
(7) Act as trustee or custodian, for which reasonable	5303
compensation may be received, under any written trust instrument	5304
or custodial agreement created or organized in the United States	5305
and forming part of a tax-advantaged savings plan that qualifies	5306
for specific tax treatment under sections 223, 401(d), 408, 408A,	5307
and 530 of the Internal Revenue Code, 26 U.S.C. 223, 401(d), 408,	5308
408A, and 530, as amended, for its members or groups of its	5309
members, provided that the funds of such plans are invested in	5310
share accounts or share certificate accounts of the credit union.	5311
These services include, but are not limited to, acting as a	5312
trustee or custodian for member retirement, education, or health	5313
savings accounts.	5314

(8) Participate in and pledge assets in connection with the 5315
~~business linked deposit program programs~~ under sections ~~135.77 to~~ 5316
~~135.774 of the Revised Code, the agricultural linked deposit~~ 5317
~~program under sections 135.71 to 135.76 of the Revised Code, and~~ 5318
~~the adoption linked deposit program under sections 135.79 to~~ 5319
~~135.796~~ 135.61 to 135.66 of the Revised Code and sections 135.70 5320
to 135.71 of the Revised Code. 5321

(B) The authority of a credit union shall be subject to the 5322
following: 5323

(1) A credit union may not borrow money in excess of 5324
twenty-five per cent of its shares and undivided earnings, without 5325
prior specific authorization by the superintendent of credit 5326
unions. 5327

(2) A credit union may not pay a commission or other 5328
compensation to any person for securing members or for the sale of 5329
its shares, except that reasonable incentives may be made 5330
available directly to members or potential members to promote 5331
thrift. 5332

(C)(1) A credit union may have service facilities other than 5333
its home office. 5334

(2) Real estate may be acquired by lease, purchase, or 5335
otherwise as necessary and to the extent required for use of the 5336
credit union presently and in the future operation of its office 5337
or headquarters, and in case of a purchase of real estate, the 5338
superintendent must first be notified in writing prior to the 5339
purchase of the real estate. Nothing herein contained shall be 5340
deemed to prohibit a credit union from taking title to real estate 5341
in connection with a default in the payment of a loan, provided 5342
that title to such real estate shall not be held by the credit 5343
union for more than two years without the prior written approval 5344

- of the superintendent. A credit union also may lease space in any
real estate it acquires in accordance with rules adopted by the
superintendent.
- (D)(1) As used in division (D) of this section:
- (a) "School" means an elementary or secondary school.
- (b) "Student" means a child enrolled in a school.
- (c) "Student branch" means the designation provided to the
credit union for the in-school services and financial education
offered to students.
- (2) A credit union, upon agreement with a school board, in
the case of a public school, or the governing authority, in the
case of a nonpublic school, and with the permission of the
superintendent, may open and maintain a student branch.
- (3) Notwithstanding any other provision of this section, any
student enrolled in the school maintaining a student branch who is
not otherwise qualified for membership in the credit union
maintaining the student branch is qualified to be a member of that
student branch.
- (4) The student's membership in the student branch expires
upon the student's graduation from secondary school.
- (5) The student branch is for the express use of students and
may not be used by faculty, staff, or lineal ancestors or
~~descendents~~ descendants of students.
- (6) Faculty, staff, or lineal ancestors or ~~deseendents~~
descendants of students are not eligible for membership in the
credit union maintaining the student branch unless otherwise
qualified by this section to be members.
- (7) The superintendent may adopt rules appropriate to the

formation and operation of student branches. 5373

(E) A credit union may guarantee the signature of a member in 5374
 connection with a transaction involving tangible or intangible 5375
 property in which a member has or seeks to acquire an interest. 5376

Sec. 1733.24. (A) A credit union is authorized to receive 5377
 funds for deposit in share accounts, share draft accounts, and 5378
 share certificates from its members, from other credit unions, and 5379
 from an officer, employee, or agent of the federal, state, or 5380
 local governments, or political subdivisions of the state, in 5381
 accordance with such terms, rates, and conditions as may be 5382
 established by its board of directors, and for purposes of the 5383
~~agricultural linked deposit program programs~~ created under 5384
~~sections 135.71 to 135.76 of the Revised Code, the business linked~~ 5385
~~deposit program created under sections 135.77 to 135.774 of the~~ 5386
~~Revised Code, and the adoption linked deposit program under~~ 5387
~~sections 135.79 to 135.796~~ 135.61 to 135.66 of the Revised Code 5388
and sections 135.70 to 135.71 of the Revised Code. 5389

(B) The shares and share accounts of the credit union may be 5390
 of one or more classes, as designated by the board of directors, 5391
 subject to approval of the superintendent of credit unions based 5392
 on rules that shall assure equitable distribution of dividends 5393
 among classes, considering costs and advantages of each class to 5394
 the members of the credit union, including without limitation 5395
 special services rendered, length of ownership, minimum 5396
 investment, conditions of repurchase, and other appropriate 5397
 standards or combinations thereof. In the event the articles of 5398
 incorporation of the credit union indicate the authorized number 5399
 of shares to be unlimited, the designation of classification of 5400
 shares and share accounts of the credit union may be effected by 5401
 the board of directors, subject to the approval of the 5402

superintendent, and does not require amendment of the articles of
incorporation. All shares of the credit union shall have a par
value per share as set by the board of directors. Redemptions and
liquidating dividends shall be prorated to each member on the
basis of the price paid the credit union for such share,
irrespective of the class of such shares.

(C)(1) Each credit union shall have one class of shares
designated as "membership share." The membership shares, or if a
credit union has but one class of shares, then all of the shares
of the credit union, shall have a par value as set by the board of
directors.

(2) Two or more persons that are eligible for membership that
have jointly subscribed for one or more shares under a joint
account each may be admitted to membership.

(D) A credit union need not issue certificates for any or all
of its classes of shares but irrespective of whether certificates
are issued, a registry of shares must be kept, including all of
the transactions of the credit union pertaining to such shares.

(E) A credit union is authorized to maintain share draft
accounts in accordance with rules prescribed by the
superintendent. The credit union may pay dividends on share draft
accounts, may pay dividends at different rates on different types
of share draft accounts, and may permit the owners of such share
draft accounts to make withdrawals by negotiable or transferable
instruments or other orders for the purpose of making transfers to
third parties.

(F) Unless otherwise provided by written agreement of the
parties, the rights, responsibilities, and liabilities attaching
to a share draft withdrawn from, transferred to, or otherwise
handled by a credit union are defined in and governed by Chapters

1303. and 1304. of the Revised Code, as if the credit union were a 5433
bank. 5434

(G) Unless otherwise provided in the articles or regulations, 5435
a member may designate any person or persons to own or hold 5436
shares, or share accounts with the member in joint tenancy with 5437
right of survivorship and not as tenants in common. 5438

(H) Shares or share accounts may be issued in the name of a 5439
custodian under the Ohio transfers to minors act, a member in 5440
trust for a beneficiary, a fiduciary or custodian in trust for a 5441
member beneficiary, or a fiduciary or custodian in trust upon the 5442
death of a member. Redemption of such shares or payment of such 5443
share accounts to a member, to the extent of the payment, 5444
discharges the liability of the credit union to the member and the 5445
beneficiary, and the credit union shall be under no obligation to 5446
see to the application of the payment. Unless prior to the death 5447
of a member, the member has notified the credit union in writing 5448
in a form approved by the credit union of a different beneficiary 5449
to receive the proceeds of such shares or share accounts, then the 5450
proceeds shall be paid to the beneficiary or to the beneficiary's 5451
parent or legal representative. Any payment made pursuant to 5452
written instructions of the member or pursuant to the provisions 5453
herein contained shall be a valid and sufficient release and 5454
discharge of the credit union in connection with any such share or 5455
share accounts. 5456

(I)(1) Except as otherwise provided in the articles or 5457
regulations, and subject to the provisions thereof, a minor may 5458
purchase shares, share accounts, or other depository instruments, 5459
and except for qualification as a voting member, the credit union 5460
may deal with the minor with respect to shares, share accounts, or 5461
other depository instruments owned by the minor as if the minor 5462

were a person of legal age. 5463

(2) If shares, share accounts, or other depository 5464
instruments are issued in the name of a minor, redemption of any 5465
part or all of the shares or withdrawal of funds by payment to the 5466
minor of the shares or funds and any declared dividends or 5467
interest releases the credit union from all obligation to the 5468
minor as to the shares reduced or funds withdrawn. 5469

(J) The regulations may require advance written notice of a 5470
member's intention to withdraw the member's shares. Such advance 5471
notice shall not exceed sixty days. 5472

(K) Notwithstanding any provision of law to the contrary, 5473
funds deposited in a share account, share certificate, or in any 5474
other manner pursuant to a program offered by a credit union to 5475
promote consumer savings do not constitute valuable consideration 5476
for purposes of a scheme of chance under Chapter 2915. of the 5477
Revised Code. 5478

Sec. 1735.03. No title guarantee and trust company shall do 5479
business until it has deposited with the ~~treasurer of state~~ 5480
superintendent of insurance fifty thousand dollars, in securities 5481
permitted by sections 3925.05, 3925.06, and 3925.08 of the Revised 5482
Code. The ~~treasurer of state~~ superintendent shall hold such 5483
securities deposited with ~~him~~ the treasurer of state as security 5484
for the faithful performance of all guarantees entered into and 5485
all trusts accepted by such company, but so long as it continues 5486
solvent ~~he~~ the treasurer of state shall permit it to collect the 5487
interest of, or dividends or distributions on, its securities so 5488
deposited, and to withdraw any of such securities on depositing 5489
with ~~him~~ the treasurer of state cash or other securities of the 5490
kind specified in this section so as to maintain the value of such 5491

deposit at fifty thousand dollars. 5492

If such a company has made such deposits with the ~~treasurer~~ 5493
~~of state~~ superintendent of insurance, it may request ~~him~~ the 5494
treasurer of state to return to it securities held by ~~him~~ the 5495
treasurer of state in such deposit in excess of the amount 5496
required, and ~~he~~ the treasurer of state shall then surrender such 5497
excess to the company, taking proper receipts therefor. 5498

Sec. 2109.37. (A) Except as otherwise provided by law, 5499
including division (D) of this section, or by the instrument 5500
creating the trust, a fiduciary having funds belonging to a trust 5501
that are to be invested may invest them in the following: 5502

(1) Bonds or other obligations of the United States or of 5503
this state; 5504

(2) Bonds or other interest-bearing obligations of any 5505
county, municipal corporation, school district, or other legally 5506
constituted political taxing subdivision within the state, 5507
provided that the county, municipal corporation, school district, 5508
or other subdivision has not defaulted in the payment of the 5509
interest on any of its bonds or interest-bearing obligations, for 5510
more than one hundred twenty days during the ten years immediately 5511
preceding the investment by the fiduciary in the bonds or other 5512
obligations, and provided that the county, municipal corporation, 5513
school district, or other subdivision, is not, at the time of the 5514
investment, in default in the payment of principal or interest on 5515
any of its bonds or other interest-bearing obligations; 5516

(3) Bonds or other interest-bearing obligations of any other 5517
state of the United States which, within twenty years prior to the 5518
making of that investment, has not defaulted for more than ninety 5519
days in the payment of principal or interest on any of its bonds 5520

or other interest-bearing obligations; 5521

(4) Any bonds issued by or for federal land banks and any 5522
debentures issued by or for federal intermediate credit banks 5523
under the "Federal Farm Loan Act of 1916," 39 Stat. 360, 12 5524
U.S.C.A. 641, as amended; or any debentures issued by or for banks 5525
for cooperatives under the "Farm Credit Act of 1933," 48 Stat. 5526
257, 12 U.S.C.A. 131, as amended; 5527

(5) Notes that are: (a) secured by a first mortgage on real 5528
property held in fee and located in the state, improved by a unit 5529
designed principally for residential use for not more than four 5530
families or by a combination of that dwelling unit and business 5531
property, the area designed or used for nonresidential purposes 5532
not to exceed fifty per cent of the total floor area; (b) secured 5533
by a first mortgage on real property held in fee and located in 5534
the state, improved with a building designed for residential use 5535
for more than four families or with a building used primarily for 5536
business purposes, if the unpaid principal of the notes secured by 5537
that mortgage does not exceed ten per cent of the value of the 5538
estate or trust or does not exceed five thousand dollars, 5539
whichever is greater; or (c) secured by a first mortgage on an 5540
improved farm held in fee and located in the state, provided that 5541
the mortgage requires that the buildings on the mortgaged property 5542
shall be well insured against loss by fire, and so kept, for the 5543
benefit of the mortgagee, until the debt is paid, and provided 5544
that the unpaid principal of the notes secured by the mortgage 5545
shall not exceed fifty per cent of the fair value of the mortgaged 5546
real property at the time the investment is made, and the notes 5547
shall be payable not more than five years after the date on which 5548
the investment in them is made; except that the unpaid principal 5549
of the notes may equal sixty per cent of the fair value of the 5550
mortgaged real property at the time the investment is made, and 5551

may be payable over a period of fifteen years following the date 5552
of the investment by the fiduciary if regular installment payments 5553
are required sufficient to amortize four per cent or more of the 5554
principal of the outstanding notes per annum and if the unpaid 5555
principal and interest become due and payable at the option of the 5556
holder upon any default in the payment of any installment of 5557
interest or principal upon the notes, or of taxes, assessments, or 5558
insurance premiums upon the mortgaged premises or upon the failure 5559
to cure any such default within any grace period provided in the 5560
notes not exceeding ninety days in duration; 5561

(6) Life, endowment, or annuity contracts of legal reserve 5562
life insurance companies regulated by sections 3907.01 to 3907.21, 5563
3909.01 to 3909.17, 3911.01 to 3911.24, 3913.01 to 3913.10, 5564
3915.01 to 3915.15, and 3917.01 to 3917.05 of the Revised Code, 5565
and licensed by the superintendent of insurance to transact 5566
business within the state, provided that the purchase of contracts 5567
authorized by this division shall be limited to executors or the 5568
successors to their powers when specifically authorized by will 5569
and to guardians and trustees, which contracts may be issued on 5570
the life of a ward, a beneficiary of a trust fund, or according to 5571
a will, or upon the life of a person in whom the ward or 5572
beneficiary has an insurable interest and the contracts shall be 5573
drawn by the insuring company so that the proceeds shall be the 5574
sole property of the person whose funds are so invested; 5575

(7) Notes or bonds secured by mortgages and insured by the 5576
federal housing administrator or debentures issued by that 5577
administrator; 5578

(8) Obligations issued by a federal home loan bank created 5579
under the "Federal Home Loan Bank Act of 1932," 47 Stat. 725, 12 5580
U.S.C.A. 1421, as amended; 5581

(9) Shares and certificates or other evidences of deposits	5582
issued by a federal savings and loan association organized and	5583
incorporated under the "Home Owners' Loan Act of 1933," 48 Stat.	5584
128, 12 U.S.C.A. 1461, as amended, to the extent and only to the	5585
extent that those shares or certificates or other evidences of	5586
deposits are insured pursuant to the "Financial Institutions	5587
Reform, Recovery, and Enforcement Act of 1989," 103 Stat. 183, 12	5588
U.S.C.A. 1811, as amended;	5589
(10) Bonds issued by the home owners' loan corporation	5590
created under the "Home Owners' Act of 1933," 48 Stat. 128, 12	5591
U.S.C.A. 1461, as amended;	5592
(11) Obligations issued by the national mortgage association	5593
created under the "National Housing Act," 48 Stat. 1246 (1934), 12	5594
U.S.C.A. 1701, as amended;	5595
(12) Shares and certificates or other evidences of deposits	5596
issued by a domestic savings and loan association organized under	5597
the laws of the state, which association has obtained insurance of	5598
accounts pursuant to the "Financial Institutions Reform, Recovery,	5599
and Enforcement Act of 1989," 103 Stat. 183, 12 U.S.C.A. 1811, as	5600
amended, or as may be otherwise provided by law, only to the	5601
extent that the evidences of deposits are insured under that act,	5602
as amended;	5603
(13) Shares and certificates or other evidences of deposits	5604
issued by a domestic savings and loan association organized under	5605
the laws of the state, provided that no fiduciary may invest the	5606
deposits except with the approval of the probate court, and then	5607
in an amount not to exceed the amount that the fiduciary is	5608
permitted to invest under division (A)(12) of this section;	5609
(14) In savings accounts in, or certificates or other	5610
evidences of deposits issued by, a national bank located in the	5611

state or a state bank located in and organized under the laws of 5612
the state or a state credit union located and organized under the 5613
laws of the state or a federal credit union located in the state 5614
by depositing the funds in the bank or credit union, and the 5615
national or state bank or the federal or state credit union when 5616
itself acting in a fiduciary capacity may deposit the funds in 5617
savings accounts in, or certificates or other evidences of 5618
deposits issued by, its own savings department or any bank 5619
subsidiary corporation owned or controlled by the bank holding 5620
company that owns or controls the national or state bank; provided 5621
that no deposit shall be made by any fiduciary, individual or 5622
corporate, unless the deposits of the depository bank are insured 5623
by the federal deposit insurance corporation created under the 5624
"Federal Deposit Insurance Corporation Act of 1933," 48 Stat. 162, 5625
12 U.S.C. 264, as amended, or provided that no deposit shall be 5626
made by any fiduciary, individual or corporate, unless the 5627
deposits of the depository credit union are insured by the 5628
national credit union administration created under the "Federal 5629
Credit Union Act of 1934," 48 Stat. 1216, 12 U.S.C. 1751, as 5630
amended, or the deposits of the depository credit union are 5631
insured by a share guaranty corporation as defined in Chapter 5632
1761. of the Revised Code, and provided that the deposit of the 5633
funds of any one trust in those savings accounts in, or 5634
certificates or other evidences of deposits issued by, any one 5635
bank or credit union shall not exceed the sum insured under those 5636
acts, as amended, or under Chapter 1761. of the Revised Code; 5637

(15) Obligations consisting of notes, bonds, debentures, or 5638
equipment trust certificates issued under an indenture that are 5639
the direct obligations, or in the case of equipment trust 5640
certificates are secured by direct obligations, of a railroad or 5641
industrial corporation, or a corporation engaged directly and 5642

5643 primarily in the production, transportation, distribution, or sale
5644 of electricity or gas, or the operation of telephone or telegraph
5645 systems or waterworks, or in some combination of them; provided
5646 that the obligor corporation is one that is incorporated under the
5647 laws of the United States, any state, the District of Columbia, or
5648 foreign government, and the obligations are rated at the time of
5649 purchase in the highest or next highest classification established
5650 by at least two ~~standard~~ statistical rating ~~services~~ organizations
5651 selected from a list of the ~~standard~~ statistical rating ~~services~~
5652 organizations that shall be prescribed by the superintendent of
5653 financial institutions; provided that every such list shall be
5654 certified by the superintendent to the clerk of each probate court
5655 in the state, and shall continue in effect until a different list
5656 is prescribed and certified as provided in this division;

(16) Obligations issued, assumed, or guaranteed by the 5657
international finance corporation or by the international bank for 5658
reconstruction and development, the Asian development bank, the 5659
inter-American development bank, the African development bank, or 5660
other similar development bank in which the president, as 5661
authorized by congress and on behalf of the United States, has 5662
accepted membership, provided that the obligations are rated at 5663
the time of purchase in the highest or next highest classification 5664
established by at least one ~~standard~~ statistical rating ~~service~~ 5665
organization selected from a list of ~~standard~~ statistical rating 5666
~~services~~ organizations that shall be prescribed by the 5667
superintendent of financial institutions; 5668

(17) Securities of any investment company, as defined in and 5669
registered under sections 3 and 8 of the "Investment Company Act 5670
of 1940," 54 Stat. 789, 15 U.S.C.A. 80a-3 and 80a-8, that are 5671
invested exclusively in forms of investment or in instruments that 5672
are fully collateralized by forms of investment in which the 5673

fiduciary is permitted to invest pursuant to divisions (A)(1) to 5674
(16) of this section, provided that, in addition to those forms of 5675
investment, the investment company may, for the purpose of 5676
reducing risk of loss or of stabilizing investment returns, engage 5677
in hedging transactions. 5678

(B) No administrator or executor may invest funds belonging 5679
to an estate in any asset other than a direct obligation of the 5680
United States that has a maturity date not exceeding one year from 5681
the date of investment, or other than in a short-term investment 5682
fund that is invested exclusively in obligations of the United 5683
States or of its agencies, or primarily in those obligations and 5684
otherwise only in variable demand notes, corporate money market 5685
instruments including, but not limited to, commercial paper, or 5686
fully collateralized repurchase agreements or other evidences of 5687
indebtedness that are payable on demand or generally have a 5688
maturity date not exceeding ninety-one days from the date of 5689
investment, except with the approval of the probate court or with 5690
the permission of the instruments creating the trust. 5691

(C)(1) In addition to the investments allowed by this 5692
section, a guardian or trustee, with the approval of the court, 5693
may invest funds belonging to the trust in productive real 5694
property located within the state, provided that neither the 5695
guardian nor the trustee nor any member of the family of either 5696
has any interest in the real property or in the proceeds of the 5697
purchase price. The title to any real property so purchased by a 5698
guardian shall be taken in the name of the ward. 5699

(2) Notwithstanding the provisions of division (C)(1) of this 5700
section, the court may permit the funds to be used to purchase or 5701
acquire a home for the ward or an interest in a home for the ward 5702
in which a member of the ward's family may have an interest. After 5703

the filing of the petition by a guardian or a conservator for 5704
 authority to purchase or acquire a home for the ward or an 5705
 interest in a home for the ward in which a member of the ward's 5706
 family may have an interest, the matter shall be set for a hearing 5707
 before the probate court. 5708

(D) If the fiduciary is a trustee appointed by and 5709
 accountable to the probate court, the fiduciary shall invest the 5710
 trust's assets pursuant to the requirements and standards set 5711
 forth in the Ohio Uniform Prudent Investor Act. 5712

Sec. 2109.372. (A) As used in this section: 5713

(1) "Short term trust-quality investment fund" means a short 5714
 term investment fund that meets both of the following conditions: 5715

(a) The fund may be either a collective investment fund 5716
 established in accordance with section 1111.14 of the Revised Code 5717
 or a registered investment company, including any affiliated 5718
 investment company whether or not the fiduciary has invested other 5719
 funds held by it in an agency or other nonfiduciary capacity in 5720
 the securities of the same registered investment company or 5721
 affiliated investment company. 5722

(b) The fund is invested in any one or more of the following 5723
 manners: 5724

(i) In obligations of the United States or of its agencies; 5725

(ii) In obligations of one or more of the states of the 5726
 United States or their political subdivisions; 5727

(iii) In obligations of foreign governments or states; 5728

(iv) In variable demand notes, corporate money market 5729
 instruments including, but not limited to, commercial paper rated 5730
 at the time of purchase in either of the two highest 5731

classifications established by at least one nationally recognized	5732
<u>standard statistical rating service organization</u> ;	5733
(v) Deposits in banks, savings banks, or savings and loan	5734
associations, whose deposits are insured by the federal deposit	5735
insurance corporation, or in credit unions insured by the national	5736
credit union administration or by a credit union share guaranty	5737
corporation established under Chapter 1761. of the Revised Code,	5738
if the rate of interest paid on those deposits is at least equal	5739
to the rate of interest generally paid by those banks, savings	5740
banks, savings and loan associations, or credit unions on deposits	5741
of similar terms or amounts;	5742
(vi) In fully collateralized repurchase agreements or other	5743
evidences of indebtedness that are of trust quality and are	5744
payable on demand or have a maturity date consistent with the	5745
purpose of the fund and the duty of fiduciary prudence.	5746
(2) "Registered investment company" means any investment	5747
company that is defined in and registered under sections 3 and 8	5748
of the "Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C.A.	5749
80a-3 and 80a-8.	5750
(3) "Affiliated investment company" has the same meaning as	5751
in division (E)(1) of section 1111.13 of the Revised Code.	5752
(B) A fiduciary is not required to invest cash that belongs	5753
to the trust and may hold that cash for the period prior to	5754
distribution if either of the following applies:	5755
(1) The fiduciary reasonably expects to do either of the	5756
following:	5757
(a) Distribute the cash to beneficiaries of the trust on a	5758
quarterly or more frequent basis;	5759
(b) Use the cash for the payment of debts, taxes, or expenses	5760

of administration within the ninety-day period following the receipt of the cash by the fiduciary. 5761
5762

(2) Determined on the basis of the facilities available to the fiduciary and the amount of the income that reasonably could be earned by the investment of the cash, the amount of the cash does not justify the administrative burden or expense associated with its investment. 5763
5764
5765
5766
5767

(C) If a fiduciary wishes to hold funds that belong to the trust in liquid form and division (B) of this section does not apply, the fiduciary may so hold the funds as long as they are temporarily invested as described in division (D) of this section. 5768
5769
5770
5771

(D)(1) A fiduciary may make a temporary investment of cash that the fiduciary may hold uninvested in accordance with division (B) of this section, and shall make a temporary investment of funds held in liquid form pursuant to division (C) of this section, in any of the following investments, unless the governing instrument provides for other investments in which the temporary investment of cash or funds is permitted: 5772
5773
5774
5775
5776
5777
5778

(a) A short term trust-quality investment fund; 5779

(b) Direct obligations of the United States or of its agencies; 5780
5781

(c) A deposit with a bank, savings bank, savings and loan association, or credit union, including a deposit with the fiduciary itself or any bank subsidiary corporation owned or controlled by the bank holding company that owns or controls the fiduciary, whose deposits are insured by the federal deposit insurance corporation, if the rate of interest paid on that deposit is at least equal to the rate of interest generally paid by that bank, savings bank, savings and loan association, or 5782
5783
5784
5785
5786
5787
5788
5789

credit union on deposits of similar terms or amounts. 5790

(2) A fiduciary that makes a temporary investment of cash or 5791
funds pursuant to division (D)(1) of this section may charge a 5792
reasonable fee for the services associated with that investment. 5793
The fee shall be in addition to the compensation to which the 5794
fiduciary is entitled for ordinary fiduciary services. 5795

(3) Fiduciaries that make one or more temporary investments 5796
of cash or funds pursuant to division (D)(1) of this section shall 5797
provide to the beneficiaries of the trusts involved, that are 5798
currently receiving income or have a right to receive income, a 5799
written disclosure of their temporary investment practices and, if 5800
applicable, the method of computing reasonable fees for their 5801
temporary investment services pursuant to division (D)(2) of this 5802
section. Fiduciaries may comply with this requirement in any 5803
appropriate written document, including, but not limited to, any 5804
periodic statement or account. 5805

(4) A fiduciary that makes a temporary investment of cash or 5806
funds in an affiliated investment company pursuant to division 5807
(D)(1)(a) of this section shall, when providing any periodic 5808
account statements of its temporary investment practices, report 5809
the net asset value of the shares comprising the investment in the 5810
affiliated investment company. 5811

(5) If a fiduciary that makes a temporary investment of cash 5812
or funds in an affiliated investment company pursuant to division 5813
(D)(1)(a) of this section invests in any mutual fund, the 5814
fiduciary shall provide to the beneficiaries of the trust 5815
involved, that are currently receiving income or have a right to 5816
receive income, a written disclosure, in at least ten-point 5817
boldface type, that the mutual fund is not insured or guaranteed 5818
by the federal deposit insurance corporation or by any other 5819

government agency or government-sponsored agency of the federal 5820
government or of this state. 5821

Sec. 2109.44. (A) Fiduciaries shall not buy from or sell to 5822
themselves and shall not have in their individual capacities any 5823
dealings with the estate, except as expressly authorized by the 5824
instrument creating the trust and then only with the approval of 5825
the probate court in each instance. No corporate fiduciary, as 5826
defined in section 1101.01 of the Revised Code, that is not 5827
subject to examination or regulatory oversight by the 5828
superintendent of financial institutions, ~~or~~ or the comptroller of 5829
the currency, ~~or the office of thrift supervision~~ shall be 5830
permitted to deal with the estate, any power in the instrument 5831
creating the trust to the contrary notwithstanding. This section 5832
does not prohibit a fiduciary from making an advancement if the 5833
advancement has been expressly authorized by the instrument 5834
creating the trust or if the probate court approves or from 5835
engaging in any act authorized by this chapter. 5836

(B) The fiduciary may petition the court for authority to 5837
purchase property of the estate if all of the following 5838
requirements are met: 5839

(1) Written consent to the purchase is signed by the 5840
following: 5841

(a) Each known heir whose interest in the estate would be 5842
affected by the proposed purchase; 5843

(b) Each known devisee whose interest in the estate would be 5844
affected by the proposed purchase. 5845

(2) The written consents are filed with the court. 5846

(3) The purchase is shown to be to the advantage of the 5847

estate. 5848

(C) The court shall deliver notice of the hearing on the 5849
petition to the heirs, devisees, or legatees of the estate or any 5850
interested person. 5851

Sec. 3314.50. No community school shall initiate operation, 5852
~~on or after the effective date of this amendment,~~ unless the 5853
governing authority of the school has posted a bond in the amount 5854
of fifty thousand dollars with the auditor of state. The bond or 5855
cash guarantee shall be used, in the event the school closes, to 5856
pay the auditor of state any moneys owed or that become owed by 5857
the school for the costs of audits conducted by the auditor of 5858
state or a public accountant under Chapter 117. of the Revised 5859
Code. 5860

The department of education shall notify the auditor of state 5861
of the proposed initiation of operations of any community school 5862
and shall provide the auditor of state with the certification of 5863
the sponsor of the community school of the compliance by the 5864
community school with all legal preconditions to the initiation of 5865
its operations, including compliance with this section. 5866

In lieu of the bond, the ~~governing authority of the school,~~ 5867
~~the school's sponsor,~~ or an operator that has a contract with the 5868
school may ~~deposit with the auditor of state cash in the amount of~~ 5869
~~fifty thousand dollars as guarantee of payment under the~~ 5870
~~provisions of this section. In lieu of a bond or a cash deposit,~~ 5871
~~the school's sponsor or an operator that has a contract with the~~ 5872
school may provide a written guarantee of payment, which shall 5873
obligate the school's sponsor or the operator that provides the 5874
written guarantee to pay the cost of audits of the school under 5875
this section up to the amount of fifty thousand dollars. Any such 5876

written guarantee shall be binding upon any successor entity that 5877
enters into a contract to sponsor or to operate the school, and 5878
any such entity, as a condition of its undertaking shall 5879
acknowledge and accept such obligation. 5880

In the event that a sponsor or operator has provided a 5881
written guarantee under this section, and, subsequent to the 5882
provision of the guarantee, the governing authority of the school 5883
posts a bond under this section, ~~or the governing authority of the~~ 5884
~~school, a sponsor, or an operator provides a cash deposit of fifty~~ 5885
~~thousand dollars as required,~~ the written guarantee shall cease to 5886
be of further effect. 5887

~~As soon as it is practicable to do so after the filing of a~~ 5888
~~bond or the deposit of cash, the auditor of state shall deliver~~ 5889
~~the bond or cash to the treasurer of state, who shall hold it in~~ 5890
~~trust for the purposes prescribed in this section. The treasurer~~ 5891
~~of state shall be responsible for the safekeeping of all bonds~~ 5892
~~filed or cash deposited under this section. The auditor of state~~ 5893
shall notify the department of education when the school's 5894
governing authority has filed the bond, ~~deposited the cash~~ 5895
~~guarantee,~~ or submitted a written guarantee of payment. 5896

When the auditor of state conducts an audit of a community 5897
school that has closed and is subject to the requirements of this 5898
section, the auditor of state shall certify the amount of 5899
forfeiture to the ~~treasurer of state~~ attorney general, who shall 5900
assess the bond for the costs of the audit ~~or shall pay money from~~ 5901
~~the named insurer or from the school's cash deposit for the costs~~ 5902
~~of the audit~~ to reimburse the auditor of state or public 5903
accountant for costs incurred in conducting audits of the school. 5904

To the extent that the amount of the bond ~~or the cash deposit~~ 5905
is not needed to cover audit costs, the bond shall be of no 5906

~~further effect, and any cash balance shall be refunded by the~~ 5907
~~treasurer of state to the entity which provided the bond.~~ 5908
 When the 5909
 auditor of state conducts an audit of a community school that has 5910
 closed and is subject to the requirements of this section, and, as 5911
 to which, a written guarantee has been given under this section, 5912
 the entity that provided the guarantee shall be solely and fully 5913
 liable for any such audit costs, and shall promptly pay the costs 5914
 of the audit up to fifty thousand dollars.

No community school that is subject to the provisions of this 5915
 section shall maintain or continue its operations absent the 5916
 ongoing provision of a bond, ~~a cash deposit,~~ or a written 5917
 guarantee as required by this section. 5918

Sec. 3366.05. The issuing authority, as an eligible 5919
 not-for-profit holder of federal education loans, may act as an 5920
 eligible not-for-profit servicer of certain student loans owned by 5921
 the federal government under Section 2212 of the "Health Care and 5922
 Education Reconciliation Act of 2010," Pub. L. No. 111-152. The 5923
 issuing authority is authorized to take such actions and to enter 5924
 into such contracts and to execute all instruments necessary or 5925
 appropriate to act as an eligible not-for-profit servicer. 5926
 Notwithstanding division (C) of section 3366.03 and division (B) 5927
 of section 3366.04 of the Revised Code, revenues received by the 5928
 issuing authority under this section shall be deposited in an 5929
 account in the custody of the treasurer of state that is not part 5930
 of the state treasury and shall be used to pay administrative 5931
 costs incurred by the issuing authority. Unexpended amounts shall 5932
 be deposited in the state treasury and credited, as determined by 5933
the treasurer of state, to the treasurer of state's administrative 5934
 fund created under section 113.20 of the Revised Code or the 5935
treasurer's information technology reserve fund created under 5936

section 113.22 of the Revised Code. 5937

Sec. 3737.945. Moneys in the funds of the petroleum 5938
 underground storage tank release compensation board, except as 5939
 otherwise provided in any resolution authorizing the issuance of 5940
 its revenue bonds or in any trust agreement securing the same, in 5941
 excess of current needs, may be invested by the board in notes, 5942
 bonds, or other obligations of the United States, or of any agency 5943
 or instrumentality thereof, or in obligations of this state or any 5944
 political subdivision thereof, or the treasurer of state's 5945
investment pool authorized under section 135.45 of the Revised 5946
Code. Income from all such investments of moneys in any fund shall 5947
 be credited to such funds as the board determines, subject to the 5948
 provisions of any resolution or trust agreement, and the 5949
 investments may be sold as the board determines. 5950

Sec. 3903.73. All securities deposited with the 5951
 superintendent of insurance shall be ~~deposited by him with the~~ 5952
~~treasurer of state, and the treasurer of state shall not deliver~~ 5953
~~such securities or coupons attached thereto, except upon the~~ 5954
~~written order of~~ held by the superintendent for the purpose 5955
intended. No security shall be accepted for deposit by the 5956
 superintendent unless it is of par value and market value of one 5957
 thousand dollars or more. 5958

Sec. 3905.32. For each initial license issued under section 5959
 3905.30 of the Revised Code and renewal of that license, the 5960
 superintendent of insurance shall collect one hundred dollars. ~~The~~ 5961
~~renewal fee shall be paid to the treasurer of state.~~ 5962

Sec. 3916.01. As used in this chapter: 5963

(A) "Advertising" means any written, electronic, or printed 5964
communication or any communication by means of recorded telephone 5965
messages or transmitted on radio, television, the internet, or 5966
similar communications media, including, but not limited to, film 5967
strips, motion pictures, and videos, that is published, 5968
disseminated, circulated, or placed directly or indirectly before 5969
the public in this state for the purpose of creating an interest 5970
in or inducing a person to purchase or sell, assign, devise, 5971
bequest, or transfer the death benefit or ownership of a policy 5972
pursuant to a viatical settlement contract. 5973

(B) "Business of viatical settlements" means an activity 5974
involved, but not limited to, in the offering, solicitation, 5975
negotiation, procurement, effectuation, purchasing, investing, 5976
financing, monitoring, tracking, underwriting, selling, 5977
transferring, assigning, pledging, or hypothecating or in any 5978
other manner acquiring an interest in a policy by means of 5979
viatical settlement contracts. 5980

(C) "Chronically ill" means having been certified within the 5981
preceding twelve-month period by a licensed health professional 5982
as: 5983

(1) Being unable to perform, without substantial assistance 5984
from another individual, at least two activities of daily living, 5985
including, but not limited to, eating, toileting, transferring, 5986
bathing, dressing, or continence for at least ninety days due to a 5987
loss of functional capacity; or 5988

(2) Requiring substantial supervision to protect the 5989
individual from threats to health and safety due to severe 5990
cognitive impairment; or 5991

(3) Having a level of disability similar to that described in 5992
division (C)(1) of this section, as determined under regulations 5993

prescribed by the United States secretary of the treasury in 5994
 consultation with the United States secretary of health and human 5995
 services. 5996

(D) "Escrow agent" means an independent third-party person 5997
 who, pursuant to a written agreement signed by the viatical 5998
 settlement provider and viator, provides escrow services related 5999
 to the acquisition of a policy pursuant to a viatical settlement 6000
 contract. "Escrow agent" does not include any person associated 6001
 with, affiliated with, or under the control of a person licensed 6002
 under this chapter or described in division (C) of section 3916.02 6003
 of the Revised Code. 6004

(E)(1) "Financing entity" means an underwriter, placement 6005
 agent, lender, purchaser of securities, purchaser of a policy from 6006
 a viatical settlement provider, credit enhancer, or any other 6007
 person that has a direct ownership interest in a policy that is 6008
 the subject of a viatical settlement contract and to which both of 6009
 the following apply: 6010

(a) Its principal activity related to the transaction is 6011
 providing funds to effect the business of viatical settlements or 6012
 the purchase of one or more viaticated policies. 6013

(b) It has an agreement in writing with one or more licensed 6014
 viatical settlement providers to finance the acquisition of 6015
 viatical settlement contracts. 6016

(2) "Financing entity" does not include a non-accredited 6017
 investor or viatical settlement purchaser. 6018

(F) "Recklessly" has the same meaning as in section 2901.22 6019
 of the Revised Code. 6020

(G) "Defraud" has the same meaning as in section 2913.01 of 6021
 the Revised Code. 6022

(H) "Life expectancy" means an opinion or evaluation as to 6023
how long a particular person is going to live. 6024

(I) Notwithstanding section 1.59 of the Revised Code, 6025
"person" means a natural person or a legal entity, including, but 6026
not limited to, an individual, partnership, limited liability 6027
company, limited liability partnership, association, trust, 6028
business trust, or corporation. 6029

(J) "Policy" means an individual or group policy, group 6030
certificate, or other contract or arrangement of life insurance 6031
affecting the rights of a resident of this state or bearing a 6032
reasonable relation to this state, regardless of whether delivered 6033
or issued for delivery in this state. 6034

(K) "Related provider trust" means a titling trust or any 6035
other trust established by a licensed viatical settlement provider 6036
or a financing entity for the sole purpose of holding ownership or 6037
beneficial interest in purchased policies in connection with a 6038
financing transaction, provided that the trust has a written 6039
agreement with the licensed viatical settlement provider under 6040
which the licensed viatical settlement provider is responsible for 6041
ensuring compliance with all statutory and regulatory requirements 6042
and under which the trust agrees to make all records and files 6043
related to viatical settlement transactions available to the 6044
superintendent of insurance as if those records and files were 6045
maintained directly by the licensed viatical settlement provider. 6046

(L) "Special purpose entity" means a corporation, 6047
partnership, trust, limited liability company or other similar 6048
entity formed solely for one of the following purposes: 6049

(i) To provide access, either directly or indirectly, to 6050
institutional capital markets for a financing entity or licensed 6051
viatical settlement provider; 6052

(ii) In connection with a transaction in which the securities 6053
in the special purpose entity are acquired by qualified 6054
institutional buyers. 6055

(M) "Terminally ill" means certified by a physician as having 6056
an illness or physical condition that can reasonably be expected 6057
to result in death in twenty-four months or less. 6058

(N) "Viatical settlement broker" means a person that, on 6059
behalf of a viator and for a fee, commission, or other valuable 6060
consideration, offers or attempts to negotiate viatical 6061
settlements between a viator and one or more viatical settlement 6062
providers or viatical settlement brokers. "Viatical settlement 6063
broker" does not include an attorney, a certified public 6064
accountant, or a financial planner accredited by a nationally 6065
recognized accreditation agency, who is retained to represent the 6066
viator, whose compensation is not paid directly or indirectly by 6067
the viatical settlement provider or purchaser. 6068

(O)(1) "Viatical settlement contract" means any of the 6069
following: 6070

(a) A written agreement between a viator and a viatical 6071
settlement provider that establishes the terms under which 6072
compensation or anything of value, that is less than the expected 6073
death benefit of the policy is or will be paid in return for the 6074
viator's present or future assignment, transfer, sale, release, 6075
devise, or bequest of the death benefit or ownership of any 6076
portion of the policy or any beneficial interest in the policy or 6077
its ownership; 6078

(b) The transfer or acquisition for compensation or anything 6079
of value for ownership or beneficial interest in a trust or an 6080
interest in another person that owns such a policy if the trust or 6081
other person was formed or availed of for the principal purpose of 6082

acquiring one or more life insurance policies; 6083

(c) A premium finance loan made for a policy by a lender to a 6084
viator on, before, or after the date of issuance of the policy in 6085
either of the following situations: 6086

(i) The viator or the insured receives a guarantee of the 6087
viatical settlement value of the policy. 6088

(ii) The viator or the insured agrees on, before, or after 6089
the issuance of the policy to sell the policy or any portion of 6090
the policy's death benefit. 6091

(2) "Viatical settlement contracts" include but are not 6092
limited to contracts that are commonly termed "life settlement 6093
contracts" and "senior settlement contracts." 6094

(3) "Viatical settlement contract" does not include any of 6095
the following unless part of a plan, scheme, device, or artifice 6096
to avoid the application of this chapter: 6097

(a) A policy loan or accelerated death benefit made by the 6098
insurer pursuant to the policy's terms whether issued with the 6099
original policy or a rider; 6100

(b) Loan proceeds that are used solely to pay premiums for 6101
the policy and the costs of the loan including interest, 6102
arrangement fees, utilization fees and similar fees, closing 6103
costs, legal fees and expenses, trustee fees and expenses, and 6104
third-party collateral provider fees and expenses, including fees 6105
payable to letter of credit issuers; 6106

(c) A loan made by a regulated financial institution in which 6107
the lender takes an interest in a policy solely to secure 6108
repayment of a loan or, if there is a default on the loan and the 6109
policy is transferred, the transfer of such a policy by the 6110
lender, provided that neither the default itself nor the transfer 6111

is pursuant to an agreement or understanding with any other person 6112
for the purpose of evading regulation under this chapter; 6113

(d) A premium finance loan made by a lender that does not 6114
violate sections 1321.71 to 1321.83 of the Revised Code, if the 6115
premium finance loan is not described in division (O)(1)(c) of 6116
this section; 6117

(e) An agreement where all parties are closely related to the 6118
insured by blood or law or have a lawful substantial economic 6119
interest in the continued life, health, and bodily safety of the 6120
person insured, or are persons or trusts established primarily for 6121
the benefit of such parties; 6122

(f) Any designation, consent, or agreement by an insured who 6123
is an employee of an employer in connection with the purchase by 6124
the employer, or trust established by the employer, of life 6125
insurance on the life of the employee as described in section 6126
3911.091 of the Revised Code; 6127

(g) Any business succession planning arrangement including, 6128
but not limited to all of the following if the arrangements are 6129
bona fide arrangements: 6130

(i) An arrangement between one or more shareholders in a 6131
corporation or between a corporation and one or more of its 6132
shareholders or one or more persons or trusts established by its 6133
shareholders; 6134

(ii) An arrangement between one or more partners in a 6135
partnership or between a partnership and one or more of its 6136
partners or one or more trusts established by its partners; 6137

(iii) An arrangement between one or more members in a limited 6138
liability company or between a limited liability company and one 6139
or more of its members or one or more trusts established by its 6140

members.	6141
(h) An agreement entered into by a service recipient, a trust established by the service recipient and a service provider, or a trust established by the service provider who performs significant services for the service recipient's trade or business;	6142 6143 6144 6145
(i) An arrangement or agreement with a special purpose entity;	6146 6147
(j) Any other contract, transaction, or arrangement exempted from the definition of viatical settlement contract by rule adopted by the superintendent based on the superintendent's determination that the contract, transaction, or arrangement is not of the type regulated by this chapter.	6148 6149 6150 6151 6152
(P)(1) "Viatical settlement provider" means a person, other than a viator, that enters into or effectuates a viatical settlement contract.	6153 6154 6155
(2) "Viatical settlement provider" does not include any of the following:	6156 6157
(a) A bank, savings bank, savings and loan association, credit union, or other regulated financial institution that takes an assignment of a policy solely as a collateral for a loan;	6158 6159 6160
(b) A premium finance company exempted under section 1321.72 of the Revised Code from the licensure requirements of section 3921.73 of the Revised Code that takes an assignment of a policy solely as collateral for a premium finance loan;	6161 6162 6163 6164
(c) The issuer of a policy;	6165
(d) An individual who enters into or effectuates not more than one viatical settlement contract in any calendar year for the transfer of life insurance policies for any value less than the	6166 6167 6168

expected death benefit;	6169
(e) An authorized or eligible insurer that provides stop loss coverage or financial guarantee insurance to a viatical settlement provider, purchaser, financing entity, special purpose entity, or related provider trust;	6170 6171 6172 6173
(f) A financing entity;	6174
(g) A special purpose entity;	6175
(h) A related provider trust;	6176
(i) A viatical settlement purchaser;	6177
(j) Any other person the superintendent determines is not consistent with the definition of viatical settlement provider.	6178 6179
(Q) "Viaticated policy" means a policy that has been acquired by a viatical settlement provider pursuant to a viatical settlement contract.	6180 6181 6182
(R) "Viator" means the owner of a policy or a certificate holder under a group policy that has not previously been viaticated who, in return for compensation or anything of value that is less than the expected death benefit of the policy or certificate, assigns, transfers, sells, releases, devises, or bequests the death benefit or ownership of any portion of the policy or certificate of insurance. For the purposes of this chapter, a "viator" is not limited to an owner of a policy or a certificate holder under a group policy insuring the life of an individual who is terminally or chronically ill except where specifically addressed. "Viator" does not include any of the following:	6183 6184 6185 6186 6187 6188 6189 6190 6191 6192 6193 6194
(1) A licensee under this chapter;	6195
(2) A qualified institutional buyer;	6196

(3) A financing entity;	6197
(4) A special purpose entity;	6198
(5) A related provider trust.	6199
(S) "Viatical settlement purchaser" means a person who	6200
provides a sum of money as consideration for a policy or an	6201
interest in the death benefits of a policy from a viatical	6202
settlement provider that is the subject of a viatical settlement	6203
contract, or a person who owns, acquires, or is entitled to a	6204
beneficial interest in a trust or person that owns a viatical	6205
settlement contract or is the beneficiary of a policy that is the	6206
subject of a viatical settlement contract, for the purpose of	6207
deriving an economic benefit. "Viatical settlement purchaser" does	6208
not include any of the following:	6209
(1) A licensee under this chapter;	6210
(2) A qualified institutional buyer;	6211
(3) A financing entity;	6212
(4) A special purpose entity;	6213
(5) A related provider trust.	6214
(T) "Qualified institutional buyer" has the same meaning as	6215
in 17 C.F.R. 230.144A as that regulation exists on the effective	6216
date of this amendment <u>September 11, 2008</u> .	6217
(U) "Licensee" means a person licensed as a viatical	6218
settlement provider or viatical settlement broker under this	6219
chapter.	6220
(V) "NAIC" means the national association of insurance	6221
commissioners.	6222
(X) "Regulated financial institution" means a bank, a savings	6223

association, or credit union operating under authority granted by 6224
the superintendent of financial institutions, the regulatory 6225
authority of any other state of the United States, ~~the office of~~ 6226
~~thrift supervision~~, the national credit union administration, or 6227
the office of the comptroller of the currency. 6228

(W)(1) "Stranger-originated life insurance," or "STOLI," 6229
means a practice, arrangement, or agreement initiated at or prior 6230
to the issuance of a policy that includes both of the following: 6231

(a) The purchase or acquisition of a policy primarily 6232
benefiting one or more persons who, at the time of issuance of the 6233
policy, lack insurable interest in the person insured under the 6234
policy; 6235

(b) The transfer at any time of the legal or beneficial 6236
ownership of the policy or benefits of the policy or both, in 6237
whole or in part, including through an assumption or forgiveness 6238
of a loan to fund premiums. 6239

(2) "Stranger-originated life insurance" also includes trusts 6240
or other persons that are created to give the appearance of 6241
insurable interest and are used to initiate one or more policies 6242
for investors but violate insurable interest laws and the 6243
prohibition against wagering on life. 6244

(3) "Stranger-originated life insurance" does not include 6245
viatical settlement transactions specifically described in 6246
division (O)(3) of this section. 6247

Sec. 3925.26. When a company organized under section 3925.25 6248
of the Revised Code desires to do business in another state, by 6249
the laws of which, to qualify it therefor, it must make a deposit 6250
of securities assigned in trust for the benefit of its 6251
policyholders with an officer of this state, the ~~treasurer of~~ 6252

~~state superintendent of insurance shall receive such deposit and~~ 6253
~~issue therefor to the company his a receipt, giving a pertinent~~ 6254
~~description of the securities and a certificate of their market~~ 6255
~~value. The treasurer of state shall issue a like certificate to~~ 6256
~~the superintendent of insurance, who shall place it on file in his~~ 6257
~~office.~~ Such company may exchange these securities for other like 6258
securities, in whole or in part, as far as its business requires, 6259
and it may wholly withdraw them if it discontinues business in 6260
such other state. ~~Such changes or withdrawals of securities shall~~ 6261
~~at once be certified by the treasurer of state to the~~ 6262
~~superintendent.~~ 6263

Sec. 4141.241. (A)(1) Any nonprofit organization described in 6264
division (X) of section 4141.01 of the Revised Code, which becomes 6265
subject to this chapter on or after January 1, 1972, shall pay 6266
contributions under section 4141.25 of the Revised Code, unless it 6267
elects, in accordance with this division, to pay to the director 6268
of job and family services for deposit in the unemployment 6269
compensation fund an amount in lieu of contributions equal to the 6270
amount of regular benefits plus one half of extended benefits paid 6271
from that fund that is attributable to service in the employ of 6272
the nonprofit organization to individuals whose service, during 6273
the base period of the claims, was within the effective period of 6274
such election. 6275

(2) Any nonprofit organization which becomes subject to this 6276
chapter after January 1, 1972, may elect to become liable for 6277
payments in lieu of contributions for a period of not less than 6278
the remainder of that calendar year and the next calendar year, 6279
beginning with the date on which such subjectivity begins, by 6280
filing a written notice of its election with the director not 6281
later than thirty days immediately following the date of the 6282

determination of such subjectivity. 6283

(3) Any nonprofit organization which makes an election in 6284
accordance with this division will continue to be liable for 6285
payments in lieu of contributions for the period described in this 6286
division and until it files with the director a written notice 6287
terminating its election. The notice shall be filed not later than 6288
thirty days prior to the beginning of the calendar year for which 6289
the termination is to become effective. 6290

(4) Any nonprofit organization which has been paying 6291
contributions for a period subsequent to January 1, 1972, may 6292
change to a reimbursable basis by filing with the director, not 6293
later than thirty days prior to the beginning of any calendar 6294
year, a written notice of election to become liable for payments 6295
in lieu of contributions. The election shall not be terminable by 6296
the organization during that calendar year and the next calendar 6297
year. 6298

(5) The director, in accordance with any rules the director 6299
prescribes, shall notify each nonprofit organization of any 6300
determination which the director may make of its status as an 6301
employer and of the effective date of any election which it makes 6302
and of any termination of the election. Any determinations shall 6303
be subject to reconsideration, appeal, and review in accordance 6304
with section 4141.26 of the Revised Code. 6305

(B) Except as provided in division (I) of section 4141.29 of 6306
the Revised Code, benefits based on service with a nonprofit 6307
organization granted a reimbursing status under this section shall 6308
be payable in the same amount, on the same terms, and subject to 6309
the same conditions, as benefits payable on the basis of other 6310
service subject to this chapter. Payments in lieu of contributions 6311
shall be made in accordance with this division and division (D) of 6312

section 4141.24 of the Revised Code. 6313

(1)(a) At the end of each calendar quarter, or at the end of 6314
any other period as determined by the director under division 6315
(D)(4) of section 4141.24 of the Revised Code, the director shall 6316
bill each nonprofit organization or group of such organizations 6317
which has elected to make payments in lieu of contributions for an 6318
amount equal to the full amount of regular benefits plus one half 6319
of the amount of extended benefits paid during such quarter or 6320
other prescribed period which is attributable to service in the 6321
employ of such organization. 6322

(b) In the computation of the amount of benefits to be 6323
charged to employers liable for payments in lieu of contributions, 6324
all benefits attributable to service described in division 6325
(B)(1)(a) of this section shall be computed and charged to such 6326
organization as described in division (D) of section 4141.24 of 6327
the Revised Code, and, except as provided in division (D)(2) of 6328
section 4141.24 of the Revised Code, no portion of the amount may 6329
be charged to the mutualized account established by division (B) 6330
of section 4141.25 of the Revised Code. 6331

(c) The director may prescribe regulations under which 6332
organizations, which have elected to make payments in lieu of 6333
contributions, may request permission to make such payments in 6334
equal installments throughout the year with an adjustment at the 6335
end of the year for any excess or shortage of the amount of such 6336
installment payments compared with the total amount of benefits 6337
actually charged the organization's account during the year. In 6338
making any adjustment, where the total installment payments are 6339
less than the actual benefits charged, the organization shall be 6340
liable for payment of the unpaid balance in accordance with 6341
division (B)(2) of this section. If the total installment payments 6342

exceed the actual benefits charged, all or part of the excess may, 6343
at the discretion of the director, be refunded or retained in the 6344
fund as part of the payments which may be required in the next 6345
year. 6346

(2) Payment of any bill rendered under division (B)(1) of 6347
this section shall be made not later than thirty days after the 6348
bill was mailed to the last known address of the organization or 6349
was otherwise delivered to it, unless there has been an 6350
application for review and redetermination in accordance with 6351
division (B)(4) of this section. 6352

(3) Payments made by an organization under this section shall 6353
not be deducted or deductible, in whole or in part, from the 6354
remuneration of individuals in the employ of the organization. 6355

(4) An organization may file an application for review and 6356
redetermination of the amounts appearing on any bill rendered to 6357
such organization under division (B)(1) of this section. The 6358
application shall be filed and determined under division (D)(4) of 6359
section 4141.24 of the Revised Code. 6360

(5) Past-due payments of amounts in lieu of contributions 6361
shall be subject to the same interest rates and collection 6362
procedures that apply to past-due contributions under sections 6363
4141.23 and ~~414.27~~ 4141.27 of the Revised Code. In case of failure 6364
to file a required quarterly report within the time prescribed by 6365
the director, the nonprofit organization shall be subject to a 6366
forfeiture pursuant to section 4141.20 of the Revised Code for 6367
each quarterly report that is not timely filed. 6368

All interest and forfeitures collected under this division 6369
shall be paid into the unemployment compensation special 6370
administrative fund as provided in section 4141.11 of the Revised 6371
Code. 6372

(6) All payments in lieu of contributions collected under 6373
 this section shall be paid into the unemployment compensation fund 6374
 as provided in section 4141.09 of the Revised Code. Any refunds of 6375
 such payments shall be paid from the unemployment compensation 6376
 fund, as provided in section 4141.09 of the Revised Code. 6377

(C)(1) Any nonprofit organization, or group of such 6378
 organizations approved under division (D) of this section, that 6379
 elects to become liable for payments in lieu of contributions 6380
 shall be required within thirty days after the effective date of 6381
 its election, to execute and file with the director a surety bond 6382
 approved by the director ~~or it may elect instead to deposit with~~ 6383
~~the director approved municipal or other bonds, or approved~~ 6384
~~securities, or a combination thereof, or other forms of collateral~~ 6385
~~security approved by the director.~~ 6386

(2)(a) The amount of the bond ~~or deposit~~ required shall be 6387
 equal to three per cent of the organization's wages paid for 6388
 employment as defined in section 4141.01 of the Revised Code that 6389
 would have been taxable had the organization been a subject 6390
 employer during the four calendar quarters immediately preceding 6391
 the effective date of the election, or the amount established by 6392
 the director within the limitation provided in division 6393
~~(C)(2)(d)~~ (C)(2)(c) of this section, whichever is the less. The 6394
 effective date of the amount of the bond ~~or other collateral~~ 6395
~~security~~ required after the employer initially is determined by 6396
 the director to be liable for payments in lieu of contributions 6397
 shall be the renewal date ~~in the case of a~~ the bond ~~or the~~ 6398
~~biennial anniversary of the effective date of election in the case~~ 6399
~~of deposit of securities or other forms of collateral security~~ 6400
~~approved by the director, whichever date shall be most recent and~~ 6401
~~applicable.~~ If the nonprofit organization did not pay wages in 6402
 each of such four calendar quarters, the amount of the bond or 6403

deposit shall be as determined by the director under regulations 6404
prescribed for this purpose. 6405

(b) Any bond ~~or other form of collateral security approved by~~ 6406
~~the director~~ deposited under this division shall be in force for a 6407
period of not less than two calendar years and shall be renewed 6408
with the approval of the director, at such times as the director 6409
may prescribe, but not less frequently than at two-year intervals 6410
as long as the organization continues to be liable for payments in 6411
lieu of contributions. The director shall require adjustments to 6412
be made in a previously filed bond ~~or other form of collateral~~ 6413
~~security~~ as the director considers appropriate. If the bond ~~or~~ 6414
~~other form of collateral security~~ is to be increased, the adjusted 6415
bond ~~or collateral security~~ shall be filed by the organization 6416
within thirty days of the date that notice of the required 6417
adjustment was mailed or otherwise delivered to it. Failure by any 6418
organization covered by such bond ~~or collateral security~~ to pay 6419
the full amount of payments in lieu of contributions when due, 6420
together with any applicable interest provided for in division 6421
(B)(5) of this section, shall render the surety liable on the bond 6422
~~or collateral security~~ to the extent of the bond ~~or collateral~~ 6423
~~security~~, as though the surety was the organization. 6424

(c) ~~Any securities accepted in lieu of surety bond by the~~ 6425
~~director shall be deposited with the treasurer of state who shall~~ 6426
~~have custody thereof and retain the same in the treasurer of~~ 6427
~~state's possession, or release them, according to conditions~~ 6428
~~prescribed by regulations of the director. Income from the~~ 6429
~~securities, held in custody by the treasurer of state, shall~~ 6430
~~accrue to the benefit of the depositor and shall be distributed to~~ 6431
~~the depositor in the absence of any notification from the director~~ 6432
~~that the depositor is in default on any payment owed to the~~ 6433
~~director. The director may require the sale of any such bonds to~~ 6434

~~the extent necessary to satisfy any unpaid payments in lieu of 6435
contributions, together with any applicable interest or 6436
forfeitures provided for in division (B)(5) of this section. The 6437
director shall require the employer within thirty days following 6438
any sale of deposited securities, under this subdivision, to 6439
deposit additional securities, surety bond, or combination of 6440
both, to make whole the employer's security deposit at the 6441
approved level. Any cash remaining from the sale of such 6442
securities may, at the discretion of the director, be refunded in 6443
whole or in part, or be paid into the unemployment compensation 6444
fund to cover future payments required of the organization. 6445~~

~~(d) The required bond or deposit for any nonprofit 6446
organization, or group of such organizations approved by the 6447
director under division (D) of this section, that is determined by 6448
the director to be liable for payments in lieu of contributions 6449
effective beginning on and after January 1, 1996, but prior to 6450
January 1, 1998, and the required bond or deposit for any renewed 6451
elections under division (C)(2)(b) of this section effective 6452
during that period shall not exceed one million two hundred fifty 6453
thousand dollars. The required bond or deposit for any nonprofit 6454
organization, or group of such organizations approved by the 6455
director under division (D) of this section, that is determined to 6456
be liable for payments in lieu of contributions effective on and 6457
after January 1, 1998, and the required bond or deposit for any 6458
renewed elections effective on and after January 1, 1998, shall 6459
not exceed two million dollars. 6460~~

~~(3) If any nonprofit organization fails to file a bond or 6461
make a deposit, or to file a bond in an increased amount or to 6462
make whole the amount of a previously made deposit, as provided 6463
under this division, the director may terminate the organization's 6464
election to make payments in lieu of contributions effective for 6465~~

the quarter following such failure and the termination shall 6466
continue for not less than the remainder of that calendar year and 6467
the next calendar year, beginning with the quarter in which the 6468
termination becomes effective; except that the director may extend 6469
for good cause the applicable filing, ~~deposit, or adjustment~~ 6470
period by not more than thirty days. 6471

(D)(1) Two or more nonprofit organizations that have become 6472
liable for payments in lieu of contributions, in accordance with 6473
division (A) of this section, may file a joint application to the 6474
director for the establishment of the group account for the 6475
purpose of sharing the cost of benefits paid that are attributable 6476
to service in the employ of those employers. Notwithstanding 6477
division (E) of section 4141.242 of the Revised Code, hospitals 6478
operated by this state or a political subdivision may participate 6479
in a group account with nonprofit organizations under the 6480
procedures set forth in this section. Each application shall 6481
identify and authorize a group representative to act as the 6482
group's agent for the purposes of this division. 6483

(2) Upon the director's approval of the application, the 6484
director shall establish a group account for the employers 6485
effective as of the beginning of the calendar quarter in which the 6486
director receives the application and shall notify the group's 6487
representative of the effective date of the account. The account 6488
shall remain in effect for not less than two years and thereafter 6489
until terminated by the director or upon application by the group. 6490

(3) Upon establishment of the account, each member of the 6491
group shall be liable, in the event that the group representative 6492
fails to pay any bill issued to it pursuant to division (B) of 6493
this section, for payments in lieu of contributions with respect 6494
to each calendar quarter in the amount that bears the same ratio 6495
to the total benefits paid in the quarter that are attributable to 6496

service performed in the employ of all members of the group as the 6497
total wages paid for service in employment by the member in the 6498
quarter bear to the total wages paid during the quarter for 6499
service performed in the employ of all members of the group. 6500

(4) The director shall adopt regulations as considered 6501
necessary with respect to the following: applications for 6502
establishment, bonding, maintenance, and termination of group 6503
accounts that are authorized by this section; addition of new 6504
members to and withdrawal of active members from such accounts; 6505
and the determination of the amounts that are payable under this 6506
division by the group representative and in the event of default 6507
in payment by the group representative, members of the group, and 6508
the time and manner of payments. 6509

Sec. 4505.06. (A)(1) Application for a certificate of title 6510
shall be made in a form prescribed by the registrar of motor 6511
vehicles and shall be sworn to before a notary public or other 6512
officer empowered to administer oaths. The application shall be 6513
filed with the clerk of any court of common pleas. An application 6514
for a certificate of title may be filed electronically by any 6515
electronic means approved by the registrar in any county with the 6516
clerk of the court of common pleas of that county. Any payments 6517
required by this chapter shall be considered as accompanying any 6518
electronically transmitted application when payment actually is 6519
received by the clerk. Payment of any fee or taxes may be made by 6520
electronic transfer of funds. 6521

(2) The application for a certificate of title shall be 6522
accompanied by the fee prescribed in section 4505.09 of the 6523
Revised Code. The fee shall be retained by the clerk who issues 6524
the certificate of title and shall be distributed in accordance 6525
with that section. If a clerk of a court of common pleas, other 6526

than the clerk of the court of common pleas of an applicant's 6527
county of residence, issues a certificate of title to the 6528
applicant, the clerk shall transmit data related to the 6529
transaction to the automated title processing system. 6530

(3) If a certificate of title previously has been issued for 6531
a motor vehicle in this state, the application for a certificate 6532
of title also shall be accompanied by that certificate of title 6533
duly assigned, unless otherwise provided in this chapter. If a 6534
certificate of title previously has not been issued for the motor 6535
vehicle in this state, the application, unless otherwise provided 6536
in this chapter, shall be accompanied by a manufacturer's or 6537
importer's certificate or by a certificate of title of another 6538
state from which the motor vehicle was brought into this state. If 6539
the application refers to a motor vehicle last previously 6540
registered in another state, the application also shall be 6541
accompanied by the physical inspection certificate required by 6542
section 4505.061 of the Revised Code. If the application is made 6543
by two persons regarding a motor vehicle in which they wish to 6544
establish joint ownership with right of survivorship, they may do 6545
so as provided in section 2131.12 of the Revised Code. If the 6546
applicant requests a designation of the motor vehicle in 6547
beneficiary form so that upon the death of the owner of the motor 6548
vehicle, ownership of the motor vehicle will pass to a designated 6549
transfer-on-death beneficiary or beneficiaries, the applicant may 6550
do so as provided in section 2131.13 of the Revised Code. A person 6551
who establishes ownership of a motor vehicle that is transferable 6552
on death in accordance with section 2131.13 of the Revised Code 6553
may terminate that type of ownership or change the designation of 6554
the transfer-on-death beneficiary or beneficiaries by applying for 6555
a certificate of title pursuant to this section. The clerk shall 6556
retain the evidence of title presented by the applicant and on 6557

which the certificate of title is issued, except that, if an 6558
application for a certificate of title is filed electronically by 6559
an electronic motor vehicle dealer on behalf of the purchaser of a 6560
motor vehicle, the clerk shall retain the completed electronic 6561
record to which the dealer converted the certificate of title 6562
application and other required documents. The registrar, after 6563
consultation with the attorney general, shall adopt rules that 6564
govern the location at which, and the manner in which, are stored 6565
the actual application and all other documents relating to the 6566
transfer of a motor vehicle when an electronic motor vehicle 6567
dealer files the application for a certificate of title 6568
electronically on behalf of the purchaser. Not later than December 6569
31, 2017, the registrar shall arrange for a service that enables 6570
all electronic motor vehicle dealers to file applications for 6571
certificates of title on behalf of purchasers of motor vehicles 6572
electronically by transferring the applications directly from the 6573
computer systems of the dealers to the clerk. 6574

The clerk shall use reasonable diligence in ascertaining 6575
whether or not the facts in the application for a certificate of 6576
title are true by checking the application and documents 6577
accompanying it or the electronic record to which a dealer 6578
converted the application and accompanying documents with the 6579
records of motor vehicles in the clerk's office. If the clerk is 6580
satisfied that the applicant is the owner of the motor vehicle and 6581
that the application is in the proper form, the clerk, within five 6582
business days after the application is filed and except as 6583
provided in section 4505.021 of the Revised Code, shall issue a 6584
physical certificate of title over the clerk's signature and 6585
sealed with the clerk's seal, unless the applicant specifically 6586
requests the clerk not to issue a physical certificate of title 6587
and instead to issue an electronic certificate of title. For 6588

purposes of the transfer of a certificate of title, if the clerk 6589
is satisfied that the secured party has duly discharged a lien 6590
notation but has not canceled the lien notation with a clerk, the 6591
clerk may cancel the lien notation on the automated title 6592
processing system and notify the clerk of the county of origin. 6593

(4) In the case of the sale of a motor vehicle to a general 6594
buyer or user by a dealer, by a motor vehicle leasing dealer 6595
selling the motor vehicle to the lessee or, in a case in which the 6596
leasing dealer subleased the motor vehicle, the sublessee, at the 6597
end of the lease agreement or sublease agreement, or by a 6598
manufactured housing broker, the certificate of title shall be 6599
obtained in the name of the buyer by the dealer, leasing dealer, 6600
or manufactured housing broker, as the case may be, upon 6601
application signed by the buyer. The certificate of title shall be 6602
issued, or the process of entering the certificate of title 6603
application information into the automated title processing system 6604
if a physical certificate of title is not to be issued shall be 6605
completed, within five business days after the application for 6606
title is filed with the clerk. If the buyer of the motor vehicle 6607
previously leased the motor vehicle and is buying the motor 6608
vehicle at the end of the lease pursuant to that lease, the 6609
certificate of title shall be obtained in the name of the buyer by 6610
the motor vehicle leasing dealer who previously leased the motor 6611
vehicle to the buyer or by the motor vehicle leasing dealer who 6612
subleased the motor vehicle to the buyer under a sublease 6613
agreement. 6614

In all other cases, except as provided in section 4505.032 6615
and division (D)(2) of section 4505.11 of the Revised Code, such 6616
certificates shall be obtained by the buyer. 6617

(5)(a)(i) If the certificate of title is being obtained in 6618

the name of the buyer by a motor vehicle dealer or motor vehicle
leasing dealer and there is a security interest to be noted on the
certificate of title, the dealer or leasing dealer shall submit
the application for the certificate of title and payment of the
applicable tax to a clerk within seven business days after the
later of the delivery of the motor vehicle to the buyer or the
date the dealer or leasing dealer obtains the manufacturer's or
importer's certificate, or certificate of title issued in the name
of the dealer or leasing dealer, for the motor vehicle. Submission
of the application for the certificate of title and payment of the
applicable tax within the required seven business days may be
indicated by postmark or receipt by a clerk within that period.

(ii) Upon receipt of the certificate of title with the
security interest noted on its face, the dealer or leasing dealer
shall forward the certificate of title to the secured party at the
location noted in the financing documents or otherwise specified
by the secured party.

(iii) A motor vehicle dealer or motor vehicle leasing dealer
is liable to a secured party for a late fee of ten dollars per day
for each certificate of title application and payment of the
applicable tax that is submitted to a clerk more than seven
business days but less than twenty-one days after the later of the
delivery of the motor vehicle to the buyer or the date the dealer
or leasing dealer obtains the manufacturer's or importer's
certificate, or certificate of title issued in the name of the
dealer or leasing dealer, for the motor vehicle and, from then on,
twenty-five dollars per day until the application and applicable
tax are submitted to a clerk.

(b) In all cases of transfer of a motor vehicle except the
transfer of a manufactured home or mobile home, the application

for certificate of title shall be filed within thirty days after 6649
the assignment or delivery of the motor vehicle. 6650

(c) An application for a certificate of title for a new 6651
manufactured home shall be filed within thirty days after the 6652
delivery of the new manufactured home to the purchaser. The date 6653
of the delivery shall be the date on which an occupancy permit for 6654
the manufactured home is delivered to the purchaser of the home by 6655
the appropriate legal authority. 6656

(d) An application for a certificate of title for a used 6657
manufactured home or a used mobile home shall be filed as follows: 6658

(i) If a certificate of title for the used manufactured home 6659
or used mobile home was issued to the motor vehicle dealer prior 6660
to the sale of the manufactured or mobile home to the purchaser, 6661
the application for certificate of title shall be filed within 6662
thirty days after the date on which an occupancy permit for the 6663
manufactured or mobile home is delivered to the purchaser by the 6664
appropriate legal authority. 6665

(ii) If the motor vehicle dealer has been designated by a 6666
secured party to display the manufactured or mobile home for sale, 6667
or to sell the manufactured or mobile home under section 4505.20 6668
of the Revised Code, but the certificate of title has not been 6669
transferred by the secured party to the motor vehicle dealer, and 6670
the dealer has complied with the requirements of division (A) of 6671
section 4505.181 of the Revised Code, the application for 6672
certificate of title shall be filed within thirty days after the 6673
date on which the motor vehicle dealer obtains the certificate of 6674
title for the home from the secured party or the date on which an 6675
occupancy permit for the manufactured or mobile home is delivered 6676
to the purchaser by the appropriate legal authority, whichever 6677
occurs later. 6678

(6) If an application for a certificate of title is not filed 6679
within the period specified in division (A)(5)(b), (c), or (d) of 6680
this section, the clerk shall collect a fee of five dollars for 6681
the issuance of the certificate, except that no such fee shall be 6682
required from a motor vehicle salvage dealer, as defined in 6683
division (A) of section 4738.01 of the Revised Code, who 6684
immediately surrenders the certificate of title for cancellation. 6685
The fee shall be in addition to all other fees established by this 6686
chapter, and shall be retained by the clerk. The registrar shall 6687
provide, on the certificate of title form prescribed by section 6688
4505.07 of the Revised Code, language necessary to give evidence 6689
of the date on which the assignment or delivery of the motor 6690
vehicle was made. 6691

(7) As used in division (A) of this section, "lease 6692
agreement," "lessee," and "sublease agreement" have the same 6693
meanings as in section 4505.04 of the Revised Code and "new 6694
manufactured home," "used manufactured home," and "used mobile 6695
home" have the same meanings as in section 5739.0210 of the 6696
Revised Code. 6697

(B)(1) The clerk, except as provided in this section, shall 6698
refuse to accept for filing any application for a certificate of 6699
title and shall refuse to issue a certificate of title unless the 6700
dealer or the applicant, in cases in which the certificate shall 6701
be obtained by the buyer, submits with the application payment of 6702
the tax levied by or pursuant to Chapters 5739. and 5741. of the 6703
Revised Code based on the purchaser's county of residence. Upon 6704
payment of the tax in accordance with division (E) of this 6705
section, the clerk shall issue a receipt prescribed by the 6706
registrar and agreed upon by the tax commissioner showing payment 6707
of the tax or a receipt issued by the commissioner showing the 6708
payment of the tax. When submitting payment of the tax to the 6709

clerk, a dealer shall retain any discount to which the dealer is 6710
entitled under section 5739.12 of the Revised Code. 6711

(2) For receiving and disbursing such taxes paid to the clerk 6712
by a resident of the clerk's county, the clerk may retain a 6713
poundage fee of one and one one-hundredth per cent, and the clerk 6714
shall pay the poundage fee into the certificate of title 6715
administration fund created by section 325.33 of the Revised Code. 6716
The clerk shall not retain a poundage fee from payments of taxes 6717
by persons who do not reside in the clerk's county. 6718

A clerk, however, may retain from the taxes paid to the clerk 6719
an amount equal to the poundage fees associated with certificates 6720
of title issued by other clerks of courts of common pleas to 6721
applicants who reside in the first clerk's county. The registrar, 6722
in consultation with the tax commissioner and the clerks of the 6723
courts of common pleas, shall develop a report from the automated 6724
title processing system that informs each clerk of the amount of 6725
the poundage fees that the clerk is permitted to retain from those 6726
taxes because of certificates of title issued by the clerks of 6727
other counties to applicants who reside in the first clerk's 6728
county. 6729

(3) In the case of casual sales of motor vehicles, as defined 6730
in section 4517.01 of the Revised Code, the price for the purpose 6731
of determining the tax shall be the purchase price on the assigned 6732
certificate of title, or assignment form prescribed by the 6733
registrar, executed by the seller and filed with the clerk by the 6734
buyer on a form to be prescribed by the registrar, which shall be 6735
prima-facie evidence of the amount for the determination of the 6736
tax. 6737

(4) Each county clerk shall forward to the ~~treasurer of state~~ 6738
registrar of motor vehicles all sales and use tax collections 6739

resulting from sales of motor vehicles, off-highway motorcycles, 6740
and all-purpose vehicles during a calendar week on or before the 6741
Friday following the close of that week. If, on any Friday, the 6742
offices of the clerk of courts or the state are not open for 6743
business, the tax shall be forwarded to the ~~treasurer of state~~ 6744
registrar on or before the next day on which the offices are open. 6745
Every remittance of tax under division (B)(4) of this section 6746
shall be accompanied by a remittance report in such form as the 6747
tax commissioner prescribes. Upon receipt of a tax remittance and 6748
remittance report, the ~~treasurer of state~~ registrar shall date 6749
stamp the report and forward it to the tax commissioner. If the 6750
tax due for any week is not remitted by a clerk of courts as 6751
required under division (B)(4) of this section, the commissioner 6752
may require the clerk to forfeit the poundage fees for the sales 6753
made during that week. The ~~treasurer of state~~ registrar may 6754
require the clerks of courts to transmit tax collections and 6755
remittance reports electronically. 6756

(C)(1) If the transferor indicates on the certificate of 6757
title that the odometer reflects mileage in excess of the designed 6758
mechanical limit of the odometer, the clerk shall enter the phrase 6759
"exceeds mechanical limits" following the mileage designation. If 6760
the transferor indicates on the certificate of title that the 6761
odometer reading is not the actual mileage, the clerk shall enter 6762
the phrase "nonactual: warning - odometer discrepancy" following 6763
the mileage designation. The clerk shall use reasonable care in 6764
transferring the information supplied by the transferor, but is 6765
not liable for any errors or omissions of the clerk or those of 6766
the clerk's deputies in the performance of the clerk's duties 6767
created by this chapter. 6768

The registrar shall prescribe an affidavit in which the 6769
transferor shall swear to the true selling price and, except as 6770

provided in this division, the true odometer reading of the motor
 vehicle. The registrar may prescribe an affidavit in which the
 seller and buyer provide information pertaining to the odometer
 reading of the motor vehicle in addition to that required by this
 section, as such information may be required by the United States
 secretary of transportation by rule prescribed under authority of
 subchapter IV of the "Motor Vehicle Information and Cost Savings
 Act," 86 Stat. 961 (1972), 15 U.S.C. 1981.

(2) Division (C)(1) of this section does not require the
 giving of information concerning the odometer and odometer reading
 of a motor vehicle when ownership of a motor vehicle is being
 transferred as a result of a bequest, under the laws of intestate
 succession, to a survivor pursuant to section 2106.18, 2131.12, or
 4505.10 of the Revised Code, to a transfer-on-death beneficiary or
 beneficiaries pursuant to section 2131.13 of the Revised Code, in
 connection with the creation of a security interest or for a
 vehicle with a gross vehicle weight rating of more than sixteen
 thousand pounds.

(D) When the transfer to the applicant was made in some other
 state or in interstate commerce, the clerk, except as provided in
 this section, shall refuse to issue any certificate of title
 unless the tax imposed by or pursuant to Chapter 5741. of the
 Revised Code based on the purchaser's county of residence has been
 paid as evidenced by a receipt issued by the tax commissioner, or
 unless the applicant submits with the application payment of the
 tax. Upon payment of the tax in accordance with division (E) of
 this section, the clerk shall issue a receipt prescribed by the
 registrar and agreed upon by the tax commissioner, showing payment
 of the tax.

For receiving and disbursing such taxes paid to the clerk by

a resident of the clerk's county, the clerk may retain a poundage fee of one and one one-hundredth per cent. The clerk shall not retain a poundage fee from payments of taxes by persons who do not reside in the clerk's county.

A clerk, however, may retain from the taxes paid to the clerk an amount equal to the poundage fees associated with certificates of title issued by other clerks of courts of common pleas to applicants who reside in the first clerk's county. The registrar, in consultation with the tax commissioner and the clerks of the courts of common pleas, shall develop a report from the automated title processing system that informs each clerk of the amount of the poundage fees that the clerk is permitted to retain from those taxes because of certificates of title issued by the clerks of other counties to applicants who reside in the first clerk's county.

When the vendor is not regularly engaged in the business of selling motor vehicles, the vendor shall not be required to purchase a vendor's license or make reports concerning those sales.

(E) The clerk shall accept any payment of a tax in cash, or by cashier's check, certified check, draft, money order, or teller check issued by any insured financial institution payable to the clerk and submitted with an application for a certificate of title under division (B) or (D) of this section. The clerk also may accept payment of the tax by corporate, business, or personal check, credit card, electronic transfer or wire transfer, debit card, or any other accepted form of payment made payable to the clerk. The clerk may require bonds, guarantees, or letters of credit to ensure the collection of corporate, business, or personal checks. Any service fee charged by a third party to a

clerk for the use of any form of payment may be paid by the clerk 6831
from the certificate of title administration fund created in 6832
section 325.33 of the Revised Code, or may be assessed by the 6833
clerk upon the applicant as an additional fee. Upon collection, 6834
the additional fees shall be paid by the clerk into that 6835
certificate of title administration fund. 6836

The clerk shall make a good faith effort to collect any 6837
payment of taxes due but not made because the payment was returned 6838
or dishonored, but the clerk is not personally liable for the 6839
payment of uncollected taxes or uncollected fees. The clerk shall 6840
notify the tax commissioner of any such payment of taxes that is 6841
due but not made and shall furnish the information to the 6842
commissioner that the commissioner requires. The clerk shall 6843
deduct the amount of taxes due but not paid from the clerk's 6844
periodic remittance of tax payments, in accordance with procedures 6845
agreed upon by the tax commissioner. The commissioner may collect 6846
taxes due by assessment in the manner provided in section 5739.13 6847
of the Revised Code. 6848

Any person who presents payment that is returned or 6849
dishonored for any reason is liable to the clerk for payment of a 6850
penalty over and above the amount of the taxes due. The clerk 6851
shall determine the amount of the penalty, and the penalty shall 6852
be no greater than that amount necessary to compensate the clerk 6853
for banking charges, legal fees, or other expenses incurred by the 6854
clerk in collecting the returned or dishonored payment. The 6855
remedies and procedures provided in this section are in addition 6856
to any other available civil or criminal remedies. Subsequently 6857
collected penalties, poundage fees, and title fees, less any title 6858
fee due the state, from returned or dishonored payments collected 6859
by the clerk shall be paid into the certificate of title 6860
administration fund. Subsequently collected taxes, less poundage 6861

fees, shall be sent by the clerk to the ~~treasurer of state~~ 6862
registrar of motor vehicles at the next scheduled periodic 6863
remittance of tax payments, with information as the commissioner 6864
may require. The clerk may abate all or any part of any penalty 6865
assessed under this division. 6866

(F) In the following cases, the clerk shall accept for filing 6867
an application and shall issue a certificate of title without 6868
requiring payment or evidence of payment of the tax: 6869

(1) When the purchaser is this state or any of its political 6870
subdivisions, a church, or an organization whose purchases are 6871
exempted by section 5739.02 of the Revised Code; 6872

(2) When the transaction in this state is not a retail sale 6873
as defined by section 5739.01 of the Revised Code; 6874

(3) When the purchase is outside this state or in interstate 6875
commerce and the purpose of the purchaser is not to use, store, or 6876
consume within the meaning of section 5741.01 of the Revised Code; 6877

(4) When the purchaser is the federal government; 6878

(5) When the motor vehicle was purchased outside this state 6879
for use outside this state; 6880

(6) When the motor vehicle is purchased by a nonresident 6881
under the circumstances described in division (B)(1) of section 6882
5739.029 of the Revised Code, and upon presentation of a copy of 6883
the statement provided by that section, and a copy of the 6884
exemption certificate provided by section 5739.03 of the Revised 6885
Code. 6886

(G) An application, as prescribed by the registrar and agreed 6887
to by the tax commissioner, shall be filled out and sworn to by 6888
the buyer of a motor vehicle in a casual sale. The application 6889
shall contain the following notice in bold lettering: "WARNING TO 6890

TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by
law to state the true selling price. A false statement is in
violation of section 2921.13 of the Revised Code and is punishable
by six months' imprisonment or a fine of up to one thousand
dollars, or both. All transfers are audited by the department of
taxation. The seller and buyer must provide any information
requested by the department of taxation. The buyer may be assessed
any additional tax found to be due."

(H) For sales of manufactured homes or mobile homes occurring
on or after January 1, 2000, the clerk shall accept for filing,
pursuant to Chapter 5739. of the Revised Code, an application for
a certificate of title for a manufactured home or mobile home
without requiring payment of any tax pursuant to section 5739.02,
5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt
issued by the tax commissioner showing payment of the tax. For
sales of manufactured homes or mobile homes occurring on or after
January 1, 2000, the applicant shall pay to the clerk an
additional fee of five dollars for each certificate of title
issued by the clerk for a manufactured or mobile home pursuant to
division (H) of section 4505.11 of the Revised Code and for each
certificate of title issued upon transfer of ownership of the
home. The clerk shall credit the fee to the county certificate of
title administration fund, and the fee shall be used to pay the
expenses of archiving those certificates pursuant to division (A)
of section 4505.08 and division (H)(3) of section 4505.11 of the
Revised Code. The tax commissioner shall administer any tax on a
manufactured or mobile home pursuant to Chapters 5739. and 5741.
of the Revised Code.

(I) Every clerk shall have the capability to transact by
electronic means all procedures and transactions relating to the
issuance of motor vehicle certificates of title that are described

in the Revised Code as being accomplished by electronic means. 6922

Sec. 4509.62. ~~Proof~~ A person may effectuate proof of 6923
 financial responsibility ~~may be evidenced by the certificate of~~ 6924
~~the treasurer of state that the person named therein has deposited~~ 6925
~~with him~~ depositing with the registrar of motor vehicles thirty 6926
 thousand dollars in money ~~or bonds of the United States, of this~~ 6927
~~state, or of a political subdivision of this state at their par or~~ 6928
~~face value.~~ The ~~treasurer of state~~ registrar shall not accept any 6929
 such deposit ~~and issue a certificate therefor and the registrar~~ 6930
~~shall not accept such certificate~~ unless it is accompanied by 6931
 evidence that there are no unsatisfied judgments against the 6932
 depositor in the county where the depositor resides. 6933

The financial responsibility custodial fund is created, which 6934
shall be in the custody of the treasurer of state but shall not be 6935
part of the state treasury. All money deposited under this section 6936
shall be credited to that fund. 6937

Sec. 4509.63. The deposit provided for in section 4509.62 of 6938
 the Revised Code shall be held by the ~~treasurer of state~~ registrar 6939
of motor vehicles to satisfy, in accordance with sections 4509.01 6940
 to 4509.78, inclusive, of the Revised Code, any execution on a 6941
 judgment, against the person making the deposit, for damages, 6942
 including damages for care and loss of services, because of bodily 6943
 injury to or death of any person, or for damages because of injury 6944
 to property, including the loss of use thereof, resulting from the 6945
 ownership, maintenance, or use of a motor vehicle after such 6946
 deposit was made. Money ~~or securities~~ so deposited shall not be 6947
 subject to attachment or execution unless such attachment or 6948
 execution arises out of a suit for damages as described in this 6949
 section. 6950

Sec. 4509.65. The registrar of motor vehicles shall consent 6951
to the cancellation of any bond or certificate of insurance or ~~the~~ 6952
~~registrar shall direct and the treasurer of state shall~~ return any 6953
money ~~or securities~~ to the person entitled thereto upon the 6954
substitution and acceptance of other adequate proof of financial 6955
responsibility in accordance with sections 4509.01 to 4509.78, 6956
inclusive, of the Revised Code. 6957

Sec. 4509.67. (A) The registrar of motor vehicles shall, upon 6958
request, consent to the immediate cancellation of any bond or 6959
certificate of insurance, ~~or shall direct and the treasurer of~~ 6960
~~state shall~~ return to the person entitled any money ~~or securities~~ 6961
deposited under sections 4509.01 to 4509.78 of the Revised Code, 6962
as proof of financial responsibility, or ~~the registrar shall~~ waive 6963
the requirement of filing proof, in any of the following events: 6964

(1) At any time after three years from the date such proof 6965
was required when, during the three years preceding the request, 6966
the registrar has not received record of a conviction or bail 6967
forfeiture which would require or permit the suspension or 6968
revocation of the license, registration or nonresident's operating 6969
privilege of the person by or for whom such proof was furnished 6970
and the person's motor vehicle registration has not been suspended 6971
for a violation of section 4509.101 of the Revised Code; 6972

(2) In the event of the death of the person on whose behalf 6973
such proof was filed or the permanent incapacity of such person to 6974
operate a motor vehicle; 6975

(3) In the event the person who has given proof surrenders 6976
~~his~~ the person's license and registration to the registrar. 6977

(B) The registrar shall not consent to the cancellation of 6978

any bond or the return of any money ~~or securities~~ if any action 6979
 for damages upon a liability covered by such proof is pending, or 6980
 any judgment upon any such liability is unsatisfied, or in the 6981
 event the person who has filed such bond or deposited such money 6982
~~or securities~~ has within two years immediately preceding such 6983
 request been involved as a driver or owner in any ~~motor vehicle~~ 6984
motor vehicle accident resulting in injury to the person or 6985
 property of others. An affidavit of the applicant as to the 6986
 nonexistence of such facts, or that ~~he~~ the applicant has been 6987
 released from all liability, or has been finally adjudicated not 6988
 liable, for such injury may be accepted as evidence thereof in the 6989
 absence of evidence to the contrary in the records of the 6990
 registrar. 6991

(C) Whenever any person whose proof has been canceled or 6992
 returned under division (A)(3) of this section applies for a 6993
 license or registration within a period of three years from the 6994
 date proof was originally required, any such application shall be 6995
 refused unless the applicant re-establishes proof of financial 6996
 responsibility for the remainder of the three-year period. 6997

Sec. 4710.03. Nothing in this chapter applies to any of the 6998
 following: 6999

(A) The federal national mortgage association; the federal 7000
 home loan mortgage corporation; a bank, bank holding company, 7001
 trust company, savings and loan association, credit union, savings 7002
 bank, or credit card bank, that is regulated by the office of the 7003
 comptroller of currency, ~~office of thrift supervision~~, federal 7004
 reserve, federal deposit insurance corporation, national credit 7005
 union administration, or division of financial institutions; or to 7006
 subsidiaries of any of these entities; 7007

(B) Debt adjusting incurred in the practice of law in this state;	7008 7009
(C) A person that incidentally engages in debt adjusting to adjust the indebtedness owed to that person;	7010 7011
(D) A registrant as defined in section 1321.51 of the Revised Code;	7012 7013
(E) A registrant or licensee as both are defined in section 1322.01 of the Revised Code.	7014 7015
Sec. 4749.01. As used in this chapter:	7016
(A) "Private investigator" means any person who engages in the business of private investigation.	7017 7018
(B) "Business of private investigation" means, except when performed by one excluded under division (H) of this section, the conducting, for hire, in person or through a partner or employees, of any investigation relevant to any crime or wrong done or threatened, or to obtain information on the identity, habits, conduct, movements, whereabouts, affiliations, transactions, reputation, credibility, or character of any person, or to locate and recover lost or stolen property, or to determine the cause of or responsibility for any libel or slander, or any fire, accident, or damage to property, or to secure evidence for use in any legislative, administrative, or judicial investigation or proceeding.	7019 7020 7021 7022 7023 7024 7025 7026 7027 7028 7029 7030
(C) "Security guard provider" means any person who engages in the business of security services.	7031 7032
(D) "Business of security services" means either of the following:	7033 7034
(1) Furnishing, for hire, watchpersons, guards, private	7035

patrol officers, or other persons whose primary duties are to	7036
protect persons or property;	7037
(2) Furnishing, for hire, guard dogs, or armored motor	7038
vehicle security services, in connection with the protection of	7039
persons or property.	7040
(E) "Class A license" means a license issued under section	7041
4749.03 of the Revised Code that qualifies the person issued the	7042
license to engage in the business of private investigation and the	7043
business of security services.	7044
(F) "Class B license" means a license issued under section	7045
4749.03 of the Revised Code that qualifies the person issued the	7046
license to engage only in the business of private investigation.	7047
(G) "Class C license" means a license issued under section	7048
4749.03 of the Revised Code that qualifies the person issued the	7049
license to engage only in the business of security services.	7050
(H) "Private investigator," "business of private	7051
investigation," "security guard provider," and "business of	7052
security services" do not include:	7053
(1) Public officers and employees whose official duties	7054
require them to engage in investigatory activities;	7055
(2) Attorneys at law or any expert hired by an attorney at	7056
law for consultation or litigation purposes;	7057
(3) A consumer reporting agency, as defined in the "Fair	7058
Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as	7059
amended, provided that the consumer reporting agency is in	7060
compliance with the requirements of that act and that the agency's	7061
activities are confined to any of the following:	7062
(a) The issuance of consumer credit reports;	7063

(b) The conducting of limited background investigations that 7064
pertain only to a client's prospective tenant and that are engaged 7065
in with the prior written consent of the prospective tenant; 7066

(c) The business of pre-employment background investigation. 7067
As used in division (H)(3)(c) of this section, "business of 7068
pre-employment background investigation" means, and is limited to, 7069
furnishing for hire, in person or through a partner or employees, 7070
the conducting of limited background investigations, in-person 7071
interviews, telephone interviews, or written inquiries that 7072
pertain only to a client's prospective employee and the employee's 7073
employment and that are engaged in with the prior written consent 7074
of the prospective employee. 7075

(4) Certified public insurance adjusters that hold a 7076
certificate of authority issued pursuant to sections 3951.01 to 7077
3951.09 of the Revised Code, while the adjuster is investigating 7078
the cause of or responsibility for a fire, accident, or other 7079
damage to property with respect to a claim or claims for loss or 7080
damage under a policy of insurance covering real or personal 7081
property; 7082

(5) Personnel placement services and persons who act as 7083
employees of such entities engaged in investigating matters 7084
related to personnel placement activities; 7085

(6) An employee in the regular course of the employee's 7086
employment, engaged in investigating matters pertinent to the 7087
business of the employee's employer or protecting property in the 7088
possession of the employee's employer, provided the employer is 7089
deducting all applicable state and federal employment taxes on 7090
behalf of the employee and neither the employer nor the employee 7091
is employed by, associated with, or acting for or on behalf of any 7092
private investigator or security guard provider; 7093

(7) Any better business bureau or similar organization or any 7094
of its employees while engaged in the maintenance of the quality 7095
of business activities relating to consumer sales and services; 7096

(8) An accountant who is registered or certified under 7097
Chapter 4701. of the Revised Code or any of the accountant's 7098
employees while engaged in activities for which the accountant is 7099
certified or registered; 7100

(9) Any person who, for hire or otherwise, conducts 7101
genealogical research in this state. 7102

As used in division (H)(9) of this section, "genealogical 7103
research" means the determination of the origins and descent of 7104
families, including the identification of individuals, their 7105
family relationships, and the biographical details of their lives. 7106
"Genealogical research" does not include furnishing for hire 7107
services for locating missing persons or natural or birth parents 7108
or children. 7109

(10) Any person residing in this state who conducts research 7110
for the purpose of locating the last known owner of unclaimed 7111
funds, provided that the person is in compliance with Chapter 169. 7112
of the Revised Code and rules adopted thereunder. The exemption 7113
set forth in division (H)(10) of this section applies only to the 7114
extent that the person is conducting research for the purpose of 7115
locating the last known owner of unclaimed funds. 7116

As used in division (H)(10) of this section, "owner" and 7117
"unclaimed funds" have the same meanings as in section 169.01 of 7118
the Revised Code. 7119

(11) A professional engineer who is registered under Chapter 7120
4733. of the Revised Code or any of his employees. 7121

As used in division (H)(11) of this section and 7122

notwithstanding division (I) of this section, "employee" has the
7123
same meaning as in section 4101.01 of the Revised Code. 7124

(12) Any person residing in this state who, for hire or
7125
otherwise, conducts research for the purpose of locating persons
7126
to whom the state of Ohio owes money in the form of warrants, as
7127
defined in ~~division (S) of~~ section 131.01 of the Revised Code,
7128
that the state voided but subsequently reissues. 7129

(13) An independent insurance adjuster who, as an individual,
7130
an independent contractor, an employee of an independent
7131
contractor, adjustment bureau association, corporation, insurer,
7132
partnership, local recording agent, managing general agent, or
7133
self-insurer, engages in the business of independent insurance
7134
adjustment, or any person who supervises the handling of claims
7135
except while acting as an employee of an insurer licensed in this
7136
state while handling claims pertaining to specific policies
7137
written by that insurer. 7138

As used in division (H)(13) of this section, "independent
7139
insurance adjustment" means conducting investigations to determine
7140
the cause of or circumstances concerning a fire, accident, bodily
7141
injury, or damage to real or personal property; determining the
7142
extent of damage of that fire, accident, injury, or property
7143
damage; securing evidence for use in a legislative,
7144
administrative, or judicial investigation or proceeding, adjusting
7145
losses; and adjusting or settling claims, including the
7146
investigation, adjustment, denial, establishment of damages,
7147
negotiation, settlement, or payment of claims in connection with
7148
insurance contractors, self-insured programs, or other similar
7149
insurance programs. "Independent adjuster" does not include either
7150
of the following: 7151

(a) An attorney who adjusts insurance losses incidental to 7152

the practice of law and who does not advertise or represent that 7153
the attorney is an independent insurance adjuster; 7154

(b) A licensed agent or general agent of an insurer licensed 7155
in this state who processes undisputed or uncontested losses for 7156
insurers under policies issued by that agent or general agent. 7157

(14) Except for a commissioned peace officer who engages in 7158
the business of private investigation or compensates others who 7159
engage in the business of private investigation or the business of 7160
security services or both, any commissioned peace officer as 7161
defined in division (B) of section 2935.01 of the Revised Code. 7162

(I) "Employee" means every person who may be required or 7163
directed by any employer, in consideration of direct or indirect 7164
gain or profit, to engage in any employment, or to go, or work, or 7165
be at any time in any place of employment, provided that the 7166
employer of the employee deducts all applicable state and federal 7167
employment taxes on behalf of the employee. 7168

Sec. 4763.13. (A) In engaging in appraisal activities, a 7169
person certified, registered, or licensed under this chapter shall 7170
comply with the applicable standards prescribed by the board of 7171
governors of the federal reserve system, the federal deposit 7172
insurance corporation, the comptroller of the currency, ~~the office~~ 7173
~~of thrift supervision,~~ the national credit union administration, 7174
and the resolution trust corporation in connection with federally 7175
related transactions under the jurisdiction of the applicable 7176
agency or instrumentality. A certificate holder, registrant, and 7177
licensee also shall comply with the uniform standards of 7178
professional appraisal practice, as adopted by the appraisal 7179
standards board of the appraisal foundation and such other 7180
standards adopted by the real estate appraiser board, to the 7181

extent that those standards do not conflict with applicable 7182
 federal standards in connection with a particular federally 7183
 related transaction. 7184

(B) The terms "state-licensed residential real estate 7185
 appraiser," "state-certified residential real estate appraiser," 7186
 "state-certified general real estate appraiser," and 7187
 "state-registered real estate appraiser assistant" shall be used 7188
 to refer only to those persons who have been issued the applicable 7189
 certificate, registration, or license or renewal certificate, 7190
 registration, or license pursuant to this chapter. None of these 7191
 terms shall be used following or in connection with the name or 7192
 signature of a partnership, corporation, or association or in a 7193
 manner that could be interpreted as referring to a person other 7194
 than the person to whom the certificate, registration, or license 7195
 has been issued. No person shall fail to comply with this 7196
 division. 7197

(C) No person, other than a certificate holder, a registrant, 7198
 or a licensee, shall assume or use a title, designation, or 7199
 abbreviation that is likely to create the impression that the 7200
 person possesses certification, registration, or licensure under 7201
 this chapter, provided that professional designations containing 7202
 the term "certified appraiser" and being used on or before July 7203
 26, 1989, shall not be construed as being misleading under this 7204
 division. No person other than a person certified or licensed 7205
 under this chapter shall describe or refer to an appraisal or 7206
 other evaluation of real estate located in this state as being 7207
 certified. 7208

(D) The terms "state-certified or state-licensed real estate 7209
 appraisal report," "state-certified or state-licensed appraisal 7210
 report," or "state-certified or state-licensed appraisal" shall be 7211

used to refer only to those real estate appraisals conducted by a
 certificate holder or licensee as a disinterested and unbiased
 third party provided that the certificate holder or licensee
 provides certification with the appraisal report and provided
 further that if a licensee is providing the appraisal, such terms
 shall only be used if the licensee is acting within the scope of
 the licensee's license. No person shall fail to comply with this
 division.

(E) Nothing in this chapter shall preclude a partnership,
 corporation, or association which employs, retains, or engages the
 services of a certificate holder or licensee to advertise that the
 partnership, corporation, or association offers state-certified or
 state-licensed appraisals through a certificate holder or licensee
 if the advertisement clearly states such fact in accordance with
 guidelines for such advertisements established by rule of the real
 estate appraiser board.

(F) Except as otherwise provided in section 4763.19 of the
 Revised Code, nothing in this chapter shall preclude a person who
 is not licensed or certified under this chapter from appraising
 real estate for compensation.

Sec. 5725.17. (A) In addition to any other penalty imposed by
 this chapter or Chapter 5703. of the Revised Code, the following
 penalties shall apply:

(1) If a dealer in intangibles fails to make and furnish to
 the tax commissioner the report required by section 5725.14 of the
 Revised Code, within the time fixed by that section, a penalty
 shall be imposed equal to the greater of fifty dollars per month
 or fraction of a month, not to exceed five hundred dollars, or
 five per cent per month or fraction of a month, not to exceed

fifty per cent, of the tax required to be shown on the report, for 7241
 each month or fraction of a month elapsing between the due date, 7242
 including extensions of the due date, and the date on which the 7243
 report is filed. 7244

(2) If a dealer in intangibles fails to pay any amounts of 7245
 the tax levied by division (D) of section 5707.03 of the Revised 7246
 Code by the dates prescribed for payment, a penalty shall be 7247
 imposed equal to the greater of ~~the penalty due under division (F)~~ 7248
~~of section 5725.22 of the Revised Code, for which this penalty~~ 7249
~~shall be a substitute~~ (a) five per cent of the taxes due, if 7250
payment is made within ten calendar days of the date shown on the 7251
tax bill, or ten per cent of the taxes due, if payment is not made 7252
within ten days of such date, or (b) two times the interest 7253
 charged under section 5725.221 of the Revised Code for the 7254
 delinquent payment. 7255

(3) If a dealer in intangibles submits a report required by 7256
 section 5725.14 of the Revised Code that is marked, defaced, or 7257
 otherwise designed by the dealer to be a frivolous protest or an 7258
 attempt to delay or impede the administration of the tax levied by 7259
 division (D) of section 5707.03 of the Revised Code, a penalty 7260
 shall be imposed equal to the greater of one hundred dollars or 7261
 twenty-five per cent of the tax required to be shown on the 7262
 report. 7263

(4) If a dealer in intangibles makes a fraudulent attempt to 7264
 evade the reporting or payment of the tax levied by division (D) 7265
 of section 5707.03 of the Revised Code, a penalty shall be imposed 7266
 equal to the greater of one thousand dollars or one hundred per 7267
 cent of the tax required to be shown on the report required by 7268
 section 5725.14 of the Revised Code. 7269

(5) If any person makes a false or fraudulent claim for 7270

abatement or refund of the tax levied by division (D) of section 7271
 5707.03 of the Revised Code, a penalty shall be imposed equal to 7272
 the greater of one thousand dollars or one hundred per cent of the 7273
 claim. The penalty imposed by this division, any abatement or 7274
 refund on the claim, and interest on any refund from the date of 7275
 the refund, may be assessed under section 5725.15 of the Revised 7276
 Code or added by the tax commissioner as tax, penalty, and 7277
 interest due from the tax levied by division (D) of section 7278
 5707.03 of the Revised Code, without regard to whether the person 7279
 making the claim is otherwise subject to the tax, and without 7280
 regard to any time limitation for assessment. 7281

(B) Each penalty imposed under division (A) of this section 7282
 shall be in addition to any other penalty imposed under that 7283
 division. All or part of any penalty imposed under division (A) of 7284
 this section may be abated by the commissioner. 7285

Sec. 5725.22. (A) The treasurer of state shall maintain ~~an~~ 7286
~~intangible property tax list of taxes levied by section 5707.03 of~~ 7287
~~the Revised Code and certified by the tax commissioner pursuant to~~ 7288
~~sections 5711.13, 5725.08, 5725.16, and 5727.15 of the Revised~~ 7289
~~Code, and a separate list of taxes levied by section 5725.18 of~~ 7290
 the Revised Code and certified for assessment by the 7291
 superintendent of insurance pursuant to section 5725.20 of the 7292
 Revised Code. 7293

~~(B)(1) With respect to taxes levied under section 5725.18 of~~ 7294
~~the Revised Code, the treasurer of state, upon receipt of an~~ 7295
~~assessment, shall compute the taxes at the rates prescribed by law~~ 7296
~~and enter the taxes on the proper tax list.~~ (B) The treasurer of 7297
state shall collect, and the taxpayer shall pay, all ~~such~~ taxes 7298
levied under section 5725.18 of the Revised Code and any interest 7299
 applicable thereto. Payments may be made ~~by mail, in person,~~ 7300

electronically or by any other means authorized by the treasurer 7301
of state. ~~The~~ Whenever the superintendent of insurance submits an 7302
electronic call for data, the treasurer of state shall ~~render a~~ 7303
~~daily itemized statement~~ electronically submit to the 7304
superintendent ~~of insurance of~~ the data requested, including the 7305
amount of taxes collected and the name of the domestic insurance 7306
company from whom collected. The treasurer of state may adopt 7307
rules concerning the methods and timeliness of payments under this 7308
division. 7309

~~(2) With respect to taxes levied under section 5707.03 of the~~ 7310
~~Revised Code, any assessment certified to the treasurer of state~~ 7311
~~shall reflect the taxes computed at the rates prescribed by law.~~ 7312
~~Upon receipt of such an assessment, the treasurer shall enter the~~ 7313
~~taxes on the proper tax list. The tax commissioner shall collect,~~ 7314
~~and the taxpayer shall pay, all such taxes and any interest~~ 7315
~~applicable thereto. Payments may be made by mail, in person, or by~~ 7316
~~any other means authorized by the commissioner. The commissioner~~ 7317
~~shall immediately forward to the treasurer any payments received~~ 7318
~~under this division, together with any information necessary for~~ 7319
~~the treasurer to properly credit such payments. The commissioner~~ 7320
~~may adopt rules concerning the method and timeliness of payments~~ 7321
~~under this division.~~ 7322

(C) Each tax bill issued pursuant to this section shall 7323
separately reflect the taxes due, interest, if any, due date, and 7324
any other information considered necessary. ~~With respect to taxes~~ 7325
~~levied under section 5725.18 of the Revised Code, the~~ The last day 7326
on which payment may be made without penalty shall be the 7327
fifteenth day of June, unless that day is not a business day as 7328
defined in section 5709.40 of the Revised Code, in which case the 7329
payment may be made on the next business day. ~~With respect to~~ 7330
~~taxes levied under section 5707.03 of the Revised Code, the last~~ 7331

~~day on which payment may be made without penalty shall be at least~~ 7332
~~twenty but not more than thirty days from the date of mailing the~~ 7333
~~tax bill. The treasurer of state or tax commissioner, as~~ 7334
~~appropriate, shall issue the tax bill and, if the tax bill is~~ 7335
~~issued by mail, the mailing thereof shall be prima facie evidence~~ 7336
~~of receipt thereof by the taxpayer to the taxpayer electronically~~ 7337
~~through the department of insurance's web site.~~ 7338

The treasurer ~~or commissioner, as appropriate,~~ of state shall 7339
refund taxes as provided in this section, but no refund shall be 7340
made to a taxpayer having a delinquent claim certified pursuant to 7341
this section that remains unpaid. The treasurer ~~or commissioner of~~ 7342
state may consult the attorney general regarding such claims. 7343
Refunds shall be paid from the tax refund fund created by section 7344
5703.052 of the Revised Code. 7345

(D)(1) ~~Within twenty days after receipt of any preliminary~~ 7346
~~assessment of taxes levied under section 5725.18 of the Revised~~ 7347
~~Code~~ Unless an exigency exists, the treasurer of state shall issue 7348
a tax bill within twenty days after receipt of an assessment 7349
certified by the superintendent of insurance under section 5725.20 7350
of the Revised Code, but if such ~~preliminary~~ assessment reflects a 7351
late filed tax return, the treasurer of state shall add interest 7352
as provided in division (A) of section 5725.221 of the Revised 7353
Code and issue a tax bill. In the case of an exigency, the 7354
treasurer of state shall issue the tax bill as soon as possible 7355
and may extend the due date for payment of the tax prescribed by 7356
division (C) of this section. 7357

(2) After receipt of any amended or final assessment of taxes 7358
~~levied under section 5725.18 of the Revised Code~~ received from the 7359
superintendent of insurance pursuant to section 5725.20 of the 7360
Revised Code, the treasurer of state shall ascertain the 7361
difference between the total taxes computed on such assessment and 7362

the total taxes computed on the most recent assessment certified 7363
for the same tax year. If the difference is a deficiency, the 7364
treasurer of state shall add interest as provided in division 7365
(B)(1) of section 5725.221 of the Revised Code and issue a tax 7366
bill, with payment due thirty days after the date of the bill is 7367
issued. ~~Unless an exigency exists, the treasurer shall issue the~~ 7368
~~tax bill on or before the fifteenth day of May. In the case of an~~ 7369
~~exigency, the treasurer shall issue the tax bill as soon as~~ 7370
~~possible after the fifteenth day of May and may extend the due~~ 7371
~~date for payment of the tax prescribed by division (C) of this~~ 7372
~~section.~~ If the difference is an excess, the treasurer of state 7373
shall add interest as provided in division (B)(2) of section 7374
5725.221 of the Revised Code and certify the name of the taxpayer 7375
and the amount to be refunded to the director of budget and 7376
management for payment to the taxpayer. If the taxpayer has a 7377
deficiency for one tax year and an excess for another tax year, or 7378
any combination thereof for more than two tax years, the treasurer 7379
of state may determine the net result after adding interest, if 7380
applicable, and, depending on such result, proceed to issue a tax 7381
bill or certify a refund. 7382

~~(E)(1) Except as provided in division (E)(2) of this section,~~ 7383
~~within twenty days after certifying to the treasurer of state an~~ 7384
~~amended or final assessment, or a preliminary assessment of a~~ 7385
~~dealer in intangibles that has failed to file a report or disclose~~ 7386
~~taxable property, the tax commissioner shall ascertain the~~ 7387
~~difference between the total taxes computed on such assessment and~~ 7388
~~the total taxes computed on the most recent assessment certified~~ 7389
~~for the same tax year, if any. If the difference is a deficiency,~~ 7390
~~the commissioner shall add interest as provided in division (B)(1)~~ 7391
~~of section 5725.221 of the Revised Code and issue a tax bill. If~~ 7392
~~the difference is an excess, the commissioner shall add interest~~ 7393

as provided in division (B)(2) of section 5725.221 of the Revised Code and certify the name of the taxpayer and the amount to be refunded to the director of budget and management for payment to the taxpayer. If the taxpayer has a deficiency for one tax year and excess for another tax year, or any combination thereof for more than two tax years, the commissioner may determine the net result after adding interest, if applicable, and, depending on such result, proceed to mail a tax bill or certify a refund.

~~(2) The tax commissioner may issue a tax bill for any deficiency resulting from an assessment at the time the commissioner issues the assessment.~~

~~(F) With respect to taxes levied under section 5707.03 of the Revised Code, if a taxpayer fails to pay all taxes and interest, if any, on or before the due date shown on the tax bill but makes payment within ten calendar days of such date, the tax commissioner shall add a penalty equal to five per cent of the taxes due. If payment is not made within ten days of such date, the commissioner shall add a penalty equal to ten per cent of the taxes due. The commissioner shall prepare a delinquent claim for each tax bill on which penalties were added and certify such claims to the attorney general for collection. For each claim certified by the commissioner, the attorney general shall proceed to collect the delinquent taxes, penalties, and interest thereon in the manner prescribed by law.~~

~~(G) With respect to taxes levied under section 5725.18 of the Revised Code, if (E) If a taxpayer fails to pay all taxes and interest, if any, on or before the due date shown on the tax bill issued by the treasurer of state, the treasurer of state shall add a penalty equal to five hundred dollars for each month the taxpayer fails to pay all taxes and interest due. The treasurer of~~

state may add an additional penalty, not to exceed ten per cent of 7424
the taxes and interest due, if the taxpayer fails to demonstrate 7425
that the taxpayer made a good faith effort to pay all taxes and 7426
interest on or before the due date shown on the tax bill. The 7427
treasurer of state shall prepare a delinquent claim for each tax 7428
bill on which penalties were added and certify such claims to the 7429
attorney general for collection. The attorney general shall 7430
transmit a copy of each claim certified by the treasurer of state 7431
to the superintendent of insurance. For each claim certified by 7432
the treasurer of state, the attorney general shall proceed to 7433
collect the delinquent taxes, penalties, and interest thereon in 7434
the manner prescribed by law. 7435

Sec. 5727.25. (A) Except as provided in division (B) of this 7436
section, within forty-five days after the last day of March, June, 7437
September, and December, each natural gas company or combined 7438
company subject to the excise tax imposed by section 5727.24 of 7439
the Revised Code shall file a return with the tax commissioner, in 7440
such form as the ~~tax~~ commissioner prescribes, and pay the full 7441
amount of the tax due on its taxable gross receipts for the 7442
preceding calendar quarter, ~~except that the first payment of this~~ 7443
~~tax shall be made on or before November 15, 2000, for the~~ 7444
~~five month period of May 1, 2000, to September 30, 2000.~~ All 7445
payments made under this division shall be made ~~by electronic~~ 7446
~~funds transfer~~ electronically in accordance with section 5727.311 7447
of the Revised Code. 7448

(B) Any natural gas company or combined company subject to 7449
the excise tax imposed by this section that has an annual tax 7450
liability for the preceding calendar year ending on the 7451
thirty-first day of December of less than three hundred 7452
twenty-five thousand dollars may elect to file an annual return 7453

with the tax commissioner, in such form as the ~~tax~~ commissioner 7454
prescribes, for the next year. A company that elects to file an 7455
annual return for the calendar year shall file the return and 7456
remit the taxes due on its taxable gross receipts within 7457
forty-five days after the thirty-first day of December. ~~The first~~ 7458
~~payment of the tax under this division shall be made on or before~~ 7459
~~February 14, 2001, for the period of May 1, 2000, to December 31,~~ 7460
~~2000.~~ The minimum tax for a natural gas company or combined 7461
company subject to this division shall be fifty dollars, and the 7462
company shall not be required to remit the tax due ~~by electronic~~ 7463
~~funds transfer~~ electronically. 7464

(C) A return required to be filed under division (A) or (B) 7465
of this section shall show the amount of tax due from the company 7466
for the period covered by the return and any other information as 7467
prescribed by the tax commissioner. A return shall be considered 7468
filed when received by the ~~tax~~ commissioner. The commissioner may 7469
extend the time for making and filing returns and paying the tax. 7470

(D) Any natural gas company or combined company that fails to 7471
file a return or pay the full amount of the tax due within the 7472
period prescribed under this section shall pay an additional 7473
charge of fifty dollars or ten per cent of the tax required to be 7474
paid for the reporting period, whichever is greater. If any tax 7475
due is not paid timely in accordance with this section, the 7476
company liable for the tax shall pay interest, calculated at the 7477
rate per annum prescribed by section 5703.47 of the Revised Code, 7478
from the date the tax payment was due to the date of payment or to 7479
the date an assessment was issued, whichever occurs first. The tax 7480
commissioner may collect any additional charge or interest imposed 7481
by this section by assessment in the manner provided in section 7482
5727.26 of the Revised Code. The commissioner may abate all or a 7483
portion of the additional charge and may adopt rules governing 7484

such abatements. 7485

(E) ~~The tax commissioner shall immediately forward to the~~ 7486
~~treasurer of state any amounts that the commissioner receives~~ 7487
~~under this section.~~ The taxes, additional charges, penalties, and 7488
interest collected under sections 5727.24 to 5727.29 of the 7489
Revised Code shall be credited in accordance with section 5727.45 7490
of the Revised Code. 7491

Sec. 5727.31. (A) Each public utility subject to the excise 7492
tax imposed by section 5727.30 of the Revised Code, annually, on 7493
or before the first day of August, shall file with the tax 7494
commissioner a statement in such form as the commissioner 7495
prescribes and shall pay any amount due. 7496

(B)(1) Annually, on or before the fifteenth day of October of 7497
the current year, each public utility whose estimated excise taxes 7498
for the current year as based upon the statement required to be 7499
filed in that year by division (A) of this section are one 7500
thousand dollars or more shall file with the commissioner a 7501
report, in such form as the commissioner prescribes, showing the 7502
amount of excise tax estimated to be charged or levied pursuant to 7503
law for the current year upon the basis of such annual statement, 7504
and shall remit a portion of the estimated excise taxes shown to 7505
be due by the report. The portion of the estimated excise taxes 7506
due at the time the report is filed shall be one-third of its 7507
total excise taxes estimated to be charged or levied for the 7508
current year based upon the annual statement filed under division 7509
(A) of this section. 7510

(2) Annually, on or before the first day of March and June, 7511
each public utility whose excise taxes as based upon its last 7512
preceding annual statement filed under division (A) of this 7513

section prior to the first day of January were one thousand 7514
dollars or more shall file with the commissioner a report, in such 7515
form as the commissioner prescribes, showing the amount of excise 7516
tax charged or levied pursuant to law upon the basis of such 7517
annual statement, and shall remit a portion of the excise taxes 7518
shown to be due by each such report. The portion of the excise 7519
taxes due at the time each such report is filed shall be one-third 7520
of its total excise taxes so charged or levied based upon such 7521
annual statement. 7522

(C) Any public utility subject to the excise taxes imposed by 7523
section 5727.30 of the Revised Code whose tax as certified under 7524
section 5727.38 of the Revised Code in a year equals or exceeds 7525
the amount specified for that year in section 5727.311 of the 7526
Revised Code shall make the payments required under this section 7527
in the second ensuing and each succeeding year in the manner 7528
prescribed by section 5727.311 of the Revised Code, except as 7529
otherwise prescribed by that section. 7530

(D)(1) For purposes of this section, a report required to be 7531
filed under division (B) of this section is considered filed when 7532
it is received by the tax commissioner. 7533

(2) For purposes of this section and sections 5727.311 and 7534
5727.42 of the Revised Code, remittance of an excise tax required 7535
to be made under this section is considered to be made when the 7536
remittance is received by the ~~treasurer of state or tax~~ 7537
commissioner, or when credited to an account designated by the 7538
treasurer of state for the receipt of tax remittances. 7539

Sec. 5727.311. (A) Any public utility subject to an excise 7540
tax imposed by section 5727.30 of the Revised Code whose tax 7541
equals or exceeds fifty thousand dollars shall make each payment 7542

required under division (B) of section 5727.31 of the Revised Code 7543
 for the second ensuing and each succeeding year ~~by electronic~~ 7544
~~funds transfer~~ electronically as prescribed by division (C) of 7545
 this section. 7546

If the tax in each of two consecutive years is less than 7547
 fifty thousand dollars, the public utility is relieved of the 7548
 requirement to remit taxes ~~by electronic funds transfer~~ 7549
electronically for the year that next follows the second of the 7550
 consecutive years in which the tax certified is less than fifty 7551
 thousand dollars, and is relieved of that requirement for each 7552
 succeeding year unless the tax in a subsequent year equals or 7553
 exceeds fifty thousand dollars. 7554

(B) The tax commissioner shall notify each public utility 7555
 required by this section or section 5727.25 of the Revised Code to 7556
 remit taxes ~~by electronic funds transfer~~ electronically of the 7557
 public utility's obligation to do so ~~and shall maintain an updated~~ 7558
~~list of those public utilities~~. Failure by the ~~tax~~ commissioner to 7559
 notify a public utility subject to this section to remit taxes ~~by~~ 7560
~~electronic funds transfer~~ electronically does not relieve the 7561
 public utility of its obligation to remit taxes ~~by electronic~~ 7562
~~funds transfer~~ in that manner. 7563

(C) Public utilities required by this section or section 7564
 5727.25 of the Revised Code to remit periodic payments ~~by~~ 7565
~~electronic funds transfer~~ electronically shall remit such payments 7566
~~to the treasurer of state in the manner prescribed by rules~~ 7567
~~adopted by the treasurer of state under section 113.061 of the~~ 7568
~~Revised Code~~ in the manner prescribed by the tax commissioner. The 7569
electronic payment of public utility excise taxes ~~by electronic~~ 7570
~~funds transfer~~ does not affect a public utility's obligation to 7571
 file the annual statement and periodic reports in the manner and 7572
 at the times prescribed by section 5727.31 of the Revised Code. 7573

A public utility required by this section or section 5727.25 of the Revised Code to remit taxes ~~by electronic funds transfer~~ electronically may apply to the ~~tax~~ commissioner in the manner prescribed by the commissioner to be excused from that requirement. The commissioner may excuse the public utility from electronic remittance ~~by electronic funds transfer~~ for good cause shown for the period of time requested by the public utility or for a portion of that period. The commissioner shall notify the public utility of the commissioner's decision as soon as is practicable.

(D) If a public utility required by this section or section 5727.25 of the Revised Code to remit taxes ~~by electronic funds transfer~~ electronically remits those taxes by some means other than ~~by electronic funds transfer~~ electronically as prescribed by this section ~~and the rules adopted by the treasurer of state~~, and the tax commissioner determines that the failure to remit taxes as required was not due to reasonable cause or was due to willful neglect, the commissioner may impose an additional charge on the public utility equal to five per cent of the amount of the taxes required to be paid ~~by electronic funds transfer~~ electronically, but not to exceed five thousand dollars. Any additional charge imposed under this section is in addition to any other penalty or charge imposed under this chapter, and shall be considered as revenue arising from excise taxes imposed by this chapter.

No additional charge shall be assessed under this division against a public utility that has been notified of its obligation to remit taxes electronically under this section and that remits its first two tax payments after such notification by some other means ~~other than electronic funds transfer~~. The additional charge may be assessed upon the remittance of any subsequent tax payment that the public utility remits by some means other than ~~electronic~~

~~funds transfer electronically.~~ 7605

Sec. 5727.42. (A) ~~The treasurer of state shall notify the tax~~ 7606
~~commissioner of any payment of the excise tax imposed by section~~ 7607
~~5727.30 of the Revised Code.~~ The tax commissioner shall collect 7608
the excise tax imposed by section 5727.30 of the Revised Code and 7609
the taxpayer shall pay all taxes and any penalties thereon. 7610
Payments of the tax may be made by mail, in person, ~~by electronic~~ 7611
~~funds transfer electronically~~ if required to do so by section 7612
5727.311 of the Revised Code, or by any other means authorized by 7613
the commissioner. The commissioner may adopt rules concerning the 7614
methods and timeliness of payment. 7615

(B) Each tax assessment issued pursuant to this section shall 7616
separately reflect the taxes and any penalty due, and any other 7617
information considered necessary. The commissioner shall mail the 7618
assessment to the taxpayer, and the mailing of it shall be 7619
prima-facie evidence of receipt thereof by the taxpayer. 7620

(C) The commissioner shall refund taxes levied and payments 7621
made for the tax imposed by section 5727.30 of the Revised Code as 7622
provided in this section, but no refund shall be made to a 7623
taxpayer having a delinquent claim certified pursuant to this 7624
section that remains unpaid. The commissioner may consult the 7625
attorney general regarding such claims. 7626

(D) After receiving any excise tax annual statement for the 7627
tax imposed by section 5727.30 of the Revised Code, the 7628
commissioner shall: 7629

(1) Ascertain the difference between the total taxes owed and 7630
the sum of all payments made for that year. 7631

(2) If the difference is a deficiency, the commissioner shall 7632
issue an assessment. 7633

(3) If the difference is an excess, the commissioner shall 7634
~~notify the director of budget and management and~~ issue a refund of 7635
that amount to the taxpayer. If the amount of the refund is less 7636
than that claimed by the taxpayer, the taxpayer, within sixty days 7637
of the issuance of the refund, may provide to the commissioner 7638
additional information to support the claim or may request a 7639
hearing. Upon receiving such information or request within that 7640
time, the commissioner shall follow the same procedures set forth 7641
in divisions (C) and (D) of section 5703.70 of the Revised Code 7642
for the determination of refund applications. 7643

If the taxpayer has a deficiency for one tax year and an 7644
excess for another tax year, or any combination thereof for more 7645
than two years, the commissioner may determine the net result and, 7646
depending on such result, proceed to issue an assessment or 7647
certify a refund. 7648

(E) If a taxpayer fails to pay the amount of taxes required 7649
to be paid, or fails to make an estimated payment on or before the 7650
due date prescribed in division (B) of section 5727.31 of the 7651
Revised Code, the commissioner shall impose a penalty in the 7652
amount of fifteen per cent of the unpaid amount, and the 7653
commissioner shall issue an assessment for the unpaid amount and 7654
penalty. Unless a timely petition for reassessment is filed under 7655
section 5727.47 of the Revised Code, the attorney general shall 7656
proceed to collect the delinquent taxes and penalties thereon in 7657
the manner prescribed by law and notify the commissioner of all 7658
collections. 7659

Sec. 5727.47. (A) Notice of each assessment certified or 7660
issued pursuant to section 5727.23 or 5727.38 of the Revised Code 7661
shall be mailed to the public utility, and its mailing shall be 7662
prima-facie evidence of its receipt by the public utility to which 7663

it is addressed. With the notice, the tax commissioner shall 7664
provide instructions on how to petition for reassessment and 7665
request a hearing on the petition. If a public utility objects to 7666
such an assessment, it may file with the commissioner, either 7667
personally or by certified mail, within sixty days after the 7668
mailing of the notice of assessment a written petition for 7669
reassessment signed by the utility's authorized agent having 7670
knowledge of the facts. The date the commissioner receives the 7671
petition shall be considered the date of filing. The petition 7672
shall indicate the utility's objections, but additional objections 7673
may be raised in writing if received by the commissioner prior to 7674
the date shown on the final determination. 7675

In the case of a petition seeking a reduction in taxable 7676
value filed with respect to an assessment certified under section 7677
5727.23 of the Revised Code, the petitioner shall state in the 7678
petition the total amount of reduction in taxable value sought by 7679
the petitioner. If the petitioner objects to the percentage of 7680
true value at which taxable property is assessed by the 7681
commissioner, the petitioner shall state in the petition the total 7682
amount of reduction in taxable value sought both with and without 7683
regard to the objection pertaining to the percentage of true value 7684
at which its taxable property is assessed. If a petitioner objects 7685
to the commissioner's apportionment of the taxable value of the 7686
petitioner's taxable property, the petitioner shall distinctly 7687
state in the petition that the petitioner objects to the 7688
commissioner's apportionment, and, within forty-five days after 7689
filing the petition for reassessment, shall submit the 7690
petitioner's proposed apportionment of the taxable value of its 7691
taxable property among taxing districts. If a petitioner that 7692
objects to the commissioner's apportionment fails to state its 7693
objections to that apportionment in its petition for reassessment 7694

or fails to submit its proposed apportionment within forty-five
 days after filing the petition for reassessment, the commissioner
 shall dismiss the petitioner's objection to the commissioner's
 apportionment, and the taxable value of the petitioner's taxable
 property, subject to any adjustment to taxable value pursuant to
 the petition or appeal, shall be apportioned in the manner used by
 the commissioner in the preliminary or amended preliminary
 assessment certified under section 5727.23 of the Revised Code.

If an additional objection seeking a reduction in taxable
 value in excess of the reduction stated in the original petition
 is properly and timely raised with respect to an assessment issued
 under section 5727.23 of the Revised Code, the petitioner shall
 state the total amount of the reduction in taxable value sought in
 the additional objection both with and without regard to any
 reduction in taxable value pertaining to the percentage of true
 value at which taxable property is assessed. If a petitioner fails
 to state the reduction in taxable value sought in the original
 petition or in additional objections properly raised after the
 petition is filed, the commissioner shall notify the petitioner of
 the failure ~~by certified mail~~ in the manner provided in section
5703.37 of the Revised Code. If the petitioner fails to notify the
 commissioner in writing of the reduction in taxable value sought
 in the petition or in an additional objection within thirty days
 after receiving the commissioner's notice, the commissioner shall
 dismiss the petition or the additional objection in which that
 reduction is sought.

(B)(1) Subject to divisions (B)(2) and (3) of this section, a
 public utility filing a petition for reassessment regarding an
 assessment certified or issued under section 5727.23 or 5727.38 of
 the Revised Code shall pay the tax with respect to the assessment
 objected to as required by law. The acceptance of any tax payment

by the ~~treasurer of state~~, tax commissioner, or any county 7726
 treasurer shall not prejudice any claim for taxes on final 7727
 determination by the commissioner or final decision by the board 7728
 of tax appeals or any court. 7729

(2) If a public utility properly and timely files a petition 7730
 for reassessment regarding an assessment certified under section 7731
 5727.23 of the Revised Code, the petitioner shall pay the tax as 7732
 prescribed by divisions (B)(2)(a), (b), and (c) of this section: 7733

(a) If the petitioner does not object to the commissioner's 7734
 apportionment of the taxable value of the petitioner's taxable 7735
 property, the petitioner is not required to pay the part of the 7736
 tax otherwise due on the taxable value that the petitioner seeks 7737
 to have reduced, subject to division (B)(2)(c) of this section. 7738

(b) If the petitioner objects to the commissioner's 7739
 apportionment of the taxable value of the petitioner's taxable 7740
 property, the petitioner is not required to pay the tax otherwise 7741
 due on the part of the taxable value apportioned to any taxing 7742
 district that the petitioner objects to, subject to division 7743
 (B)(2)(c) of this section. If, pursuant to division (A) of this 7744
 section, the petitioner has, in a proper and timely manner, 7745
 apportioned taxable value to a taxing district to which the 7746
 commissioner did not apportion the petitioner's taxable value, the 7747
 petitioner shall pay the tax due on the taxable value that the 7748
 petitioner has apportioned to the taxing district, subject to 7749
 division (B)(2)(c) of this section. 7750

(c) If a petitioner objects to the percentage of true value 7751
 at which taxable property is assessed by the commissioner, the 7752
 petitioner shall pay the tax due on the basis of the percentage of 7753
 true value at which the public utility's taxable property is 7754
 assessed by the commissioner. In any case, the petitioner's 7755

payment of tax shall not be less than the amount of tax due based 7756
 on the taxable value reflected on the last appeal notice issued by 7757
 the commissioner under division (C) of this section. Until the 7758
 county auditor receives notification under division (E) of this 7759
 section and proceeds under section 5727.471 of the Revised Code to 7760
 issue any refund that is found to be due, the county auditor shall 7761
 not issue a refund for any increase in the reduction in taxable 7762
 value that is sought by a petitioner later than forty-five days 7763
 after the petitioner files the original petition as required under 7764
 division (A) of this section. 7765

(3) Any part of the tax that, under division (B)(2)(a) or (b) 7766
 of this section, is not paid shall be collected upon receipt of 7767
 the notification as provided in section 5727.471 of the Revised 7768
 Code with interest thereon computed in the same manner as interest 7769
 is computed under division (E) of section 5715.19 of the Revised 7770
 Code, subject to any correction of the assessment by the 7771
 commissioner under division (E) of this section or the final 7772
 judgment of the board of tax appeals or a court to which the 7773
 board's final judgment is appealed. The penalty imposed under 7774
 section 323.121 of the Revised Code shall apply only to the unpaid 7775
 portion of the tax if the petitioner's tax payment is less than 7776
 the amount of tax due based on the taxable value reflected on the 7777
 last appeal notice issued by the commissioner under division (C) 7778
 of this section. 7779

(C) Upon receipt of a properly filed petition for 7780
 reassessment with respect to an assessment certified under section 7781
 5727.23 of the Revised Code, the tax commissioner shall notify the 7782
 treasurer of state or the auditor of each county to which the 7783
 assessment objected to has been certified. In the case of a 7784
 petition with respect to an assessment certified under section 7785
 5727.23 of the Revised Code, the commissioner shall issue an 7786

7787
7788
7789
7790
7791
7792
7793
7794
7795
7796
7797
7798
7799
7800
7801
7802
7803
7804
7805
7806
7807
7808
7809
7810
7811
7812
7813
7814
7815
7816
7817

appeal notice within thirty days after receiving the amount of the taxable value reduction and apportionment changes sought by the petitioner in the original petition or in any additional objections properly and timely raised by the petitioner. The appeal notice shall indicate the amount of the reduction in taxable value sought in the petition or in the additional objections and the extent to which the reduction in taxable value and any change in apportionment requested by the petitioner would affect the commissioner's apportionment of the taxable value among taxing districts in the county as shown in the assessment. If a petitioner is seeking a reduction in taxable value on the basis of a lower percentage of true value than the percentage at which the commissioner assessed the petitioner's taxable property, the appeal notice shall indicate the reduction in taxable value sought by the petitioner without regard to the reduction sought on the basis of the lower percentage and shall indicate that the petitioner is required to pay tax on the reduced taxable value determined without regard to the reduction sought on the basis of a lower percentage of true value, as provided under division (B)(2)(c) of this section. The appeal notice shall include a statement that the reduced taxable value and the apportionment indicated in the notice are not final and are subject to adjustment by the commissioner or by the board of tax appeals or a court on appeal. If the commissioner finds an error in the appeal notice, the commissioner may amend the notice, but the notice is only for informational and tax payment purposes; the notice is not subject to appeal by any person. The commissioner also shall mail a copy of the appeal notice to the petitioner. Upon the request of a taxing authority, the county auditor may disclose to the taxing authority the extent to which a reduction in taxable value sought by a petitioner would affect the apportionment of taxable value to

the taxing district or districts under the taxing authority's 7818
jurisdiction, but such a disclosure does not constitute a notice 7819
required by law to be given for the purpose of section 5717.02 of 7820
the Revised Code. 7821

(D) If the petitioner requests a hearing on the petition, the 7822
tax commissioner shall assign a time and place for the hearing on 7823
the petition and notify the petitioner of such time and place, but 7824
the commissioner may continue the hearing from time to time as 7825
necessary. 7826

(E) The tax commissioner may make corrections to the 7827
assessment as the commissioner finds proper. The commissioner 7828
shall serve a copy of the commissioner's final determination on 7829
the petitioner in the manner provided in section 5703.37 of the 7830
Revised Code. The commissioner's decision in the matter shall be 7831
final, subject to appeal under section 5717.02 of the Revised 7832
Code. With respect to a final determination issued for an 7833
assessment certified under section 5727.23 of the Revised Code, 7834
the commissioner also shall transmit a copy of the final 7835
determination to the applicable county auditor. In the absence of 7836
any further appeal, or when a decision of the board of tax appeals 7837
or of any court to which the decision has been appealed becomes 7838
final, the commissioner shall notify the public utility and, as 7839
appropriate, shall proceed under section 5727.42 of the Revised 7840
Code, or notify the applicable county auditor, who shall proceed 7841
under section 5727.471 of the Revised Code. 7842

The notification made under this division is not subject to 7843
further appeal. 7844

(F) On appeal, no adjustment shall be made in the tax 7845
commissioner's assessment certified under section 5727.23 of the 7846
Revised Code that reduces the taxable value of a petitioner's 7847

taxable property by an amount that exceeds the reduction sought by 7848
 the petitioner in its petition for reassessment or in any 7849
 additional objections properly and timely raised after the 7850
 petition is filed with the commissioner. 7851

Sec. 5727.53. The taxes, fees, and penalties provided by this 7852
 chapter that are remitted to the ~~treasurer of state~~ tax 7853
commissioner may be recovered by an action brought in the name of 7854
 the state in the court of common pleas of Franklin county, or of 7855
 any county in which such public utility is doing business, or in 7856
 which the line of any railroad company is located, and such court 7857
 of common pleas shall have jurisdiction of the action regardless 7858
 of the amount involved. The attorney general, on request of the 7859
 tax commissioner, shall institute such action in the court of 7860
 common pleas of Franklin county or of any of such counties the 7861
 commissioner directs. Sums recovered in any such action shall be 7862
 paid into the state treasury in the same manner as the tax. 7863

Sec. 5727.81. (A) For the purpose of raising revenue to fund 7864
 the needs of this state and its local governments, an excise tax 7865
 is hereby levied and imposed on an electric distribution company 7866
 for all electricity distributed by such company at the following 7867
 rates per kilowatt hour of electricity distributed in a thirty-day 7868
 period by the company through a meter of an end user in this 7869
 state: 7870

KILOWATT HOURS DISTRIBUTED	RATE PER	7871
TO AN END USER	KILOWATT HOUR	7872
For the first 2,000	\$.00465	7873
For the next 2,001 to 15,000	\$.00419	7874
For 15,001 and above	\$.00363	7875

If no meter is used to measure the kilowatt hours of 7876

electricity distributed by the company, the rates shall apply to 7877
 the estimated kilowatt hours of electricity distributed to an 7878
 unmetered location in this state. 7879

The electric distribution company shall base the monthly tax 7880
 on the kilowatt hours of electricity distributed to an end user 7881
 through the meter of the end user that is not measured for a 7882
 thirty-day period by dividing the days in the measurement period 7883
 into the total kilowatt hours measured during the measurement 7884
 period to obtain a daily average usage. The tax shall be 7885
 determined by obtaining the sum of divisions (A)(1), (2), and (3) 7886
 of this section and multiplying that amount by the number of days 7887
 in the measurement period: 7888

(1) Multiplying \$0.00465 per kilowatt hour for the first 7889
 sixty-seven kilowatt hours distributed using a daily average; 7890

(2) Multiplying \$0.00419 for the next sixty-eight to five 7891
 hundred kilowatt hours distributed using a daily average; 7892

(3) Multiplying \$0.00363 for the remaining kilowatt hours 7893
 distributed using a daily average. 7894

Except as provided in division (C) of this section, the 7895
 electric distribution company shall pay the tax to the tax 7896
 commissioner in accordance with section 5727.82 of the Revised 7897
 Code, unless required to remit each tax payment ~~by electronic~~ 7898
~~funds transfer to the treasurer of state~~ electronically in 7899
 accordance with section 5727.83 of the Revised Code. 7900

Only the distribution of electricity through a meter of an 7901
 end user in this state shall be used by the electric distribution 7902
 company to compute the amount or estimated amount of tax due. In 7903
 the event a meter is not actually read for a measurement period, 7904
 the estimated kilowatt hours distributed by an electric 7905

distribution company to bill for its distribution charges shall be used. 7906
7907

(B) Except as provided in division (C) of this section, each electric distribution company shall pay the tax imposed by this section in all of the following circumstances: 7908
7909
7910

(1) The electricity is distributed by the company through a meter of an end user in this state; 7911
7912

(2) The company is distributing electricity through a meter located in another state, but the electricity is consumed in this state in the manner prescribed by the tax commissioner; 7913
7914
7915

(3) The company is distributing electricity in this state without the use of a meter, but the electricity is consumed in this state as estimated and in the manner prescribed by the tax commissioner. 7916
7917
7918
7919

(C)(1) As used in division (C) of this section: 7920

(a) "Total price of electricity" means the aggregate value in money of anything paid or transferred, or promised to be paid or transferred, to obtain electricity or electric service, including but not limited to the value paid or promised to be paid for the transmission or distribution of electricity and for transition costs as described in Chapter 4928. of the Revised Code. 7921
7922
7923
7924
7925
7926

(b) "Package" means the provision or the acquisition, at a combined price, of electricity with other services or products, or any combination thereof, such as natural gas or other fuels; energy management products, software, and services; machinery and equipment acquisition; and financing agreements. 7927
7928
7929
7930
7931

(c) "Single location" means a facility located on contiguous property separated only by a roadway, railway, or waterway. 7932
7933

(2) Division (C) of this section applies to any commercial or industrial purchaser's receipt of electricity through a meter of an end user in this state or through more than one meter at a single location in this state in a quantity that exceeds forty-five million kilowatt hours of electricity over the course of the preceding calendar year, or any commercial or industrial purchaser that will consume more than forty-five million kilowatt hours of electricity over the course of the succeeding twelve months as estimated by the tax commissioner. The tax commissioner shall make such an estimate upon the written request by an applicant for registration as a self-assessing purchaser under this division. ~~For the meter reading period including July 1, 2008, through the meter reading period including December 31, 2010, such a purchaser may elect to self-assess the excise tax imposed by this section at the rate of \$.00075 per kilowatt hour on the first five hundred four million kilowatt hours distributed to that meter or location during the registration year, and a percentage of the total price of all electricity distributed to that meter or location equal to three and one half per cent. For the meter reading period including January 1, 2011, and thereafter, such~~ Such a purchaser may elect to self-assess the excise tax imposed by this section at the rate of \$.00257 per kilowatt hour for the first five hundred million kilowatt hours, and \$.001832 per kilowatt hour for each kilowatt hour in excess of five hundred million kilowatt hours, distributed to that meter or location during the registration year.

A qualified end user that receives electricity through a meter of an end user in this state or through more than one meter at a single location in this state and that consumes, over the course of the previous calendar year, more than forty-five million kilowatt hours in other than its qualifying manufacturing process,

may elect to self-assess the tax as allowed by this division with 7965
respect to the electricity used in other than its qualifying 7966
manufacturing process. 7967

Payment of the tax shall be made directly to the tax 7968
commissioner in accordance with divisions (A)(4) and (5) of 7969
section 5727.82 of the Revised Code, or ~~the treasurer of state~~ in 7970
accordance with section 5727.83 of the Revised Code. If the 7971
electric distribution company serving the self-assessing purchaser 7972
is a municipal electric utility and the purchaser is within the 7973
municipal corporation's corporate limits, payment shall be made to 7974
such municipal corporation's general fund and reports shall be 7975
filed in accordance with divisions (A)(4) and (5) of section 7976
5727.82 of the Revised Code, except that "municipal corporation" 7977
shall be substituted for ~~"treasurer of state"~~ and "tax 7978
commissioner." A self-assessing purchaser that pays the excise tax 7979
as provided in this division shall not be required to pay the tax 7980
to the electric distribution company from which its electricity is 7981
distributed. If a self-assessing purchaser's receipt of 7982
electricity is not subject to the tax as measured under this 7983
division, the tax on the receipt of such electricity shall be 7984
measured and paid as provided in division (A) of this section. 7985

(3) In the case of the acquisition of a package, unless the 7986
elements of the package are separately stated isolating the total 7987
price of electricity from the price of the remaining elements of 7988
the package, the tax imposed under this section applies to the 7989
entire price of the package. If the elements of the package are 7990
separately stated, the tax imposed under this section applies to 7991
the total price of the electricity. 7992

(4) Any electric supplier that sells electricity as part of a 7993
package shall separately state to the purchaser the total price of 7994

the electricity and, upon request by the tax commissioner, the 7995
total price of each of the other elements of the package. 7996

(5) The tax commissioner may adopt rules relating to the 7997
computation of the total price of electricity with respect to 7998
self-assessing purchasers, which may include rules to establish 7999
the total price of electricity purchased as part of a package. 8000

(6) An annual application for registration as a 8001
self-assessing purchaser shall be made for each qualifying meter 8002
or location on a form prescribed by the tax commissioner. The 8003
registration year begins on the first day of May and ends on the 8004
following thirtieth day of April. Persons may apply after the 8005
first day of May for the remainder of the registration year. In 8006
the case of an applicant applying on the basis of an estimated 8007
consumption of forty-five million kilowatt hours over the course 8008
of the succeeding twelve months, the applicant shall provide such 8009
information as the tax commissioner considers to be necessary to 8010
estimate such consumption. At the time of making the application 8011
and by the first day of May of each year, a self-assessing 8012
purchaser shall pay a fee of five hundred dollars to the tax 8013
commissioner, ~~or to the treasurer of state as provided in section~~ 8014
~~5727.83 of the Revised Code,~~ for each qualifying meter or 8015
location. The tax commissioner shall immediately pay to the 8016
treasurer of state all amounts that the tax commissioner receives 8017
under this section. The treasurer of state shall deposit such 8018
amounts into the kilowatt hour excise tax administration fund, 8019
which is hereby created in the state treasury. Money in the fund 8020
shall be used to defray the tax commissioner's cost in 8021
administering the tax owed under section 5727.81 of the Revised 8022
Code by self-assessing purchasers. After the application is 8023
approved by the tax commissioner, the registration shall remain in 8024
effect for the current registration year, or until canceled by the 8025

registrant upon written notification to the commissioner of the 8026
election to pay the tax in accordance with division (A) of this 8027
section, or until canceled by the tax commissioner for not paying 8028
the tax or fee under division (C) of this section or for not 8029
meeting the qualifications in division (C)(2) of this section. The 8030
tax commissioner shall give written notice to the electric 8031
distribution company from which electricity is delivered to a 8032
self-assessing purchaser of the purchaser's self-assessing status, 8033
and the electric distribution company is relieved of the 8034
obligation to pay the tax imposed by division (A) of this section 8035
for electricity distributed to that self-assessing purchaser until 8036
it is notified by the tax commissioner that the self-assessing 8037
purchaser's registration is canceled. Within fifteen days of 8038
notification of the canceled registration, the electric 8039
distribution company shall be responsible for payment of the tax 8040
imposed by division (A) of this section on electricity distributed 8041
to a purchaser that is no longer registered as a self-assessing 8042
purchaser. A self-assessing purchaser with a canceled registration 8043
must file a report and remit the tax imposed by division (A) of 8044
this section on all electricity it receives for any measurement 8045
period prior to the tax being reported and paid by the electric 8046
distribution company. A self-assessing purchaser whose 8047
registration is canceled by the tax commissioner is not eligible 8048
to register as a self-assessing purchaser for two years after the 8049
registration is canceled. 8050

(7) If the tax commissioner cancels the self-assessing 8051
registration of a purchaser registered on the basis of its 8052
estimated consumption because the purchaser does not consume at 8053
least forty-five million kilowatt hours of electricity over the 8054
course of the twelve-month period for which the estimate was made, 8055
the tax commissioner shall assess and collect from the purchaser 8056

the difference between (a) the amount of tax that would have been
payable under division (A) of this section on the electricity
distributed to the purchaser during that period and (b) the amount
of tax paid by the purchaser on such electricity pursuant to
division (C)(2) of this section. The assessment shall be paid
within sixty days after the tax commissioner issues it, regardless
of whether the purchaser files a petition for reassessment under
section 5727.89 of the Revised Code covering that period. If the
purchaser does not pay the assessment within the time prescribed,
the amount assessed is subject to the additional charge and the
interest prescribed by divisions (B) and (C) of section 5727.82 of
the Revised Code, and is subject to assessment under section
5727.89 of the Revised Code. If the purchaser is a qualified end
user, division (C)(7) of this section applies only to electricity
it consumes in other than its qualifying manufacturing process.

(D) The tax imposed by this section does not apply to:

(1) The distribution or obtaining of any kilowatt hours of
electricity to or by any of the following:

(a) The federal government;

(b) An end user located at a federal facility that uses
electricity for the enrichment of uranium;

(c) A qualified regeneration meter;

(d) An end user for any day the end user is a qualified end
user;

(e) An end user if the electricity is generated by an
electric generation facility that is primarily dedicated to
providing electricity to the electric-consuming facilities of the
end user, that is sized so as to not exceed one hundred per cent
of the customer-generator's annual requirements for electric

energy at the time of interconnection, that is physically 8086
interconnected and integrated with the electric-consuming 8087
facilities of the end user, and that is located on the same 8088
property on which the end user's electric-consuming facilities are 8089
situated or on property that is contiguous to the property on 8090
which the end user's electric-consuming facilities are situated. 8091

(2) Kilowatt hours of electricity generated by a 8092
self-generator if the electric generating facility is sized so as 8093
not to exceed one hundred per cent of the customer-generator's 8094
annual requirements for electric energy at the time of 8095
interconnection. 8096

The exemption under division (D)(1)(d) of this section for a 8097
qualified end user only applies to the manufacturing location 8098
where the qualified end user uses electricity in a chlor-alkali 8099
manufacturing process or where the qualified end user uses more 8100
than three million kilowatt hours per day in an electrochemical 8101
manufacturing process. As used in division (D) of this section, 8102
"customer-generator" and "self-generator" have the same meanings 8103
as in section 4928.01 of the Revised Code. 8104

(E) All revenue arising from the tax imposed by this section 8105
shall be credited to the general revenue fund except as provided 8106
by division (C) of this section and section 5727.82 of the Revised 8107
Code. 8108

Sec. 5727.811. (A) For the purpose of raising revenue to fund 8109
the needs of this state and its local governments, an excise tax 8110
is hereby levied on every natural gas distribution company for all 8111
natural gas volumes billed by, or on behalf of, the company 8112
~~beginning with the measurement period that includes July 1, 2001.~~ 8113
Except as provided in divisions (C) or (D) of this section, the 8114

tax shall be levied at the following rates per MCF of natural gas 8115
 distributed by the company through a meter of an end user in this 8116
 state: 8117

MCF DISTRIBUTED TO AN END USER	RATE PER MCF	
For the first 100 MCF per month	\$.1593	8119
For the next 101 to 2000 MCF per month	\$.0877	8120
For 2001 and above MCF per month	\$.0411	8121

If no meter is used to measure the MCF of natural gas 8122
 distributed by the company, the rates shall apply to the estimated 8123
 MCF of natural gas distributed to an unmetered location in this 8124
 state. 8125

(B) A natural gas distribution company shall base the tax on 8126
 the MCF of natural gas distributed to an end user through the 8127
 meter of the end user in this state that is estimated to be 8128
 consumed by the end user as reflected on the end user's customer 8129
 statement from the natural gas distribution company. ~~Until January~~ 8130
~~1, 2003, the natural gas distribution company shall pay the tax~~ 8131
~~levied by this section to the treasurer of state in accordance~~ 8132
~~with section 5727.82 of the Revised Code. Beginning January 1,~~ 8133
~~2003, the~~ The natural gas distribution company shall pay the tax 8134
 levied by this section to the tax commissioner in accordance with 8135
 section 5727.82 of the Revised Code unless required to remit 8136
 payment ~~to the treasurer of state~~ in accordance with section 8137
 5727.83 of the Revised Code. 8138

(C) A natural gas distribution company with seventy thousand 8139
 customers or less may elect to apply the rates specified in 8140
 division (A) of this section to the aggregate of the natural gas 8141
 distributed by the company through the meter of all its customers 8142
 in this state, and upon such election, this method shall be used 8143
 to determine the amount of tax to be paid by such company. 8144

(D) A natural gas distribution company shall pay the tax 8145
imposed by this section at the rate of \$.02 per MCF of natural gas 8146
distributed by the company through the meter of a flex customer. 8147
The natural gas distribution company correspondingly shall reduce 8148
the per MCF rate that it charges the flex customer for natural gas 8149
distribution services by \$.02 per MCF of natural gas distributed 8150
to the flex customer. 8151

(E) Except as provided in division (F) of this section, each 8152
natural gas distribution company shall pay the tax imposed by this 8153
section in all of the following circumstances: 8154

(1) The natural gas is distributed by the company through a 8155
meter of an end user in this state; 8156

(2) The natural gas distribution company is distributing 8157
natural gas through a meter located in another state, but the 8158
natural gas is consumed in this state in the manner prescribed by 8159
the tax commissioner; 8160

(3) The natural gas distribution company is distributing 8161
natural gas in this state without the use of a meter, but the 8162
natural gas is consumed in this state as estimated and in the 8163
manner prescribed by the tax commissioner. 8164

(F) The tax levied by this section does not apply to the 8165
distribution of natural gas to the federal government, or natural 8166
gas produced by an end user in this state that is consumed by that 8167
end user or its affiliates and is not distributed through the 8168
facilities of a natural gas company. 8169

(G) All revenue arising from the tax imposed by this section 8170
shall be credited to the general revenue fund. 8171

Sec. 5727.82. (A)(1) Except as provided in divisions (A)(3) 8172

and (D) of this section, by the twentieth day of each month, each 8173
 electric distribution company required to pay the tax imposed by 8174
 section 5727.81 of the Revised Code shall file with the tax 8175
 commissioner a return as prescribed by the tax commissioner and 8176
 shall make payment of the full amount of tax due for the preceding 8177
 month. ~~The first payment of this tax shall be made on or before~~ 8178
~~June 20, 2001.~~ The electric distribution company shall make 8179
 payment to the tax commissioner unless required to remit each tax 8180
~~the payment by electronic funds transfer to the treasurer of state~~ 8181
electronically as provided in section 5727.83 of the Revised Code. 8182

(2) By the twentieth day of May, August, November, and 8183
 February, each natural gas distribution company required to pay 8184
 the tax imposed by section 5727.811 of the Revised Code shall file 8185
 with the tax commissioner a return as prescribed by the tax 8186
 commissioner and shall make payment to the tax commissioner, ~~or to~~ 8187
~~the treasurer of state as provided in section 5727.83 of the~~ 8188
~~Revised Code,~~ of the full amount of tax due for the preceding 8189
 quarter. ~~The first payment of this tax shall be made on or before~~ 8190
~~November 20, 2001, for the quarter ending September 30, 2001.~~ 8191

(3) If the electric distribution company required to pay the 8192
 tax imposed by section 5727.81 of the Revised Code is a municipal 8193
 electric utility, it may retain in its general fund that portion 8194
 of the tax on the kilowatt hours distributed to end users located 8195
 within the boundaries of the municipal corporation. However, the 8196
 municipal electric utility shall make payment in accordance with 8197
 division (A)(1) of this section of the tax due on the kilowatt 8198
 hours distributed to end users located outside the boundaries of 8199
 the municipal corporation. 8200

(4) By the twentieth day of each month, each self-assessing 8201
 purchaser that under division (C) of section 5727.81 of the 8202

Revised Code pays directly to the tax commissioner ~~or the~~ 8203
~~treasurer of state~~ the tax imposed by section 5727.81 of the 8204
 Revised Code shall file with the tax commissioner a return as 8205
 prescribed by the tax commissioner and shall make payment of the 8206
 full amount of the tax due for the preceding month. 8207

(5) As prescribed by the tax commissioner, a return shall be 8208
 signed by the company or self-assessing purchaser required to file 8209
 it, or an authorized employee, officer, or agent of the company or 8210
 purchaser. The return shall be deemed filed when received by the 8211
 tax commissioner. 8212

(B) Any natural gas distribution company, electric 8213
 distribution company, or self-assessing purchaser required by this 8214
 section to file a return who fails to file it and pay the tax 8215
 within the period prescribed shall pay an additional charge of 8216
 fifty dollars or ten per cent of the tax required to be paid for 8217
 the reporting period, whichever is greater. The tax commissioner 8218
 may collect the additional charge by assessment pursuant to 8219
 section 5727.89 of the Revised Code. The commissioner may abate 8220
 all or a portion of the additional charge and may adopt rules 8221
 governing such abatements. 8222

(C) If any tax due is not paid timely in accordance with this 8223
 section, the natural gas distribution company, electric 8224
 distribution company, or self-assessing purchaser liable for the 8225
 tax shall pay interest, calculated at the rate per annum 8226
 prescribed by section 5703.47 of the Revised Code, from the date 8227
 the tax payment was due to the date of payment or to the date an 8228
 assessment is issued, whichever occurs first. Interest shall be 8229
 paid in the same manner as the tax, and the commissioner may 8230
 collect the interest by assessment pursuant to section 5727.89 of 8231
 the Revised Code. 8232

(D) Not later than the tenth day of each month, a qualified end user not making the election to self-assess under division (C) of section 5727.81 of the Revised Code shall report in writing to the electric distribution company that distributes electricity to the end user the kilowatt hours that were consumed as a qualified end user in a qualifying manufacturing process for the prior month and the number of days, if any, on which the end user was not a qualified end user. For each calendar day during that month, a qualified end user shall report the kilowatt hours that were not used in a qualifying manufacturing process. For each calendar day the end user was not a qualified end user, the end user shall report in writing to the electric distribution company the total number of kilowatt hours used on that day, and the electric distribution company shall pay the tax imposed under section 5727.81 of the Revised Code on each kilowatt hour that was not distributed to a qualified end user in a qualifying manufacturing process. The electric distribution company may rely in good faith on a qualified end user's report filed under this division. If it is determined that the end user was not a qualified end user for any calendar day or the quantity of electricity used by the qualified end user in a qualifying manufacturing process was overstated, the tax commissioner shall assess and collect any tax imposed under section 5727.81 of the Revised Code directly from the qualified end user. As requested by the commissioner, each end user reporting to an electric distribution company that it is a qualified end user shall provide documentation to the commissioner that establishes the volume of electricity consumed daily by the qualified end user and the total number of kilowatt hours consumed in a qualifying manufacturing process.

~~(E) The tax commissioner shall immediately pay to the treasurer of state all amounts that the tax commissioner receives~~

~~under this section. The treasurer of state shall credit such~~ 8264
~~amounts in accordance with this chapter.~~ 8265

Sec. 5727.83. (A) A natural gas distribution company, an 8266
 electric distribution company, or a self-assessing purchaser shall 8267
 remit each tax payment ~~by electronic funds transfer~~ electronically 8268
 as prescribed by divisions (B) and (C) of this section. 8269

The tax commissioner shall notify each natural gas 8270
 distribution company, electric distribution company, and 8271
 self-assessing purchaser of the obligation to remit taxes ~~by~~ 8272
~~electronic funds transfer, shall maintain an updated list of those~~ 8273
~~companies and purchasers, and shall timely certify to the~~ 8274
~~treasurer of state the list and any additions thereto or deletions~~ 8275
~~therefrom~~ electronically by using the Ohio business gateway, as 8276
defined in section 718.01 of the Revised Code, or another means of 8277
electronic payment. Failure by the ~~tax~~ commissioner to notify a 8278
 company or self-assessing purchaser subject to this section to 8279
 remit taxes ~~by electronic funds transfer~~ electronically does not 8280
 relieve the company or self-assessing purchaser of its obligation 8281
 to remit taxes in that manner. 8282

(B) A natural gas distribution company, an electric 8283
 distribution company, or a self-assessing purchaser required by 8284
 this section to remit payments ~~by electronic funds transfer~~ 8285
electronically shall remit such payments ~~to the treasurer of state~~ 8286
~~in the manner prescribed by rules adopted by the treasurer of~~ 8287
~~state under section 113.061 of the Revised Code, and on or before~~ 8288
 the dates specified under section 5727.82 of the Revised Code. The 8289
 payment of taxes ~~by electronic funds transfer~~ electronically does 8290
 not affect a company's or self-assessing purchaser's obligation to 8291
 file a return as required under section 5727.82 of the Revised 8292
 Code. 8293

(C) A natural gas distribution company, an electric 8294
distribution company, or a self-assessing purchaser required by 8295
this section to remit taxes ~~by electronic funds transfer~~ 8296
electronically may apply to the ~~treasurer of state tax~~ 8297
commissioner in the manner prescribed by the ~~treasurer of state~~ 8298
commissioner to be excused from that requirement. The ~~treasurer of~~ 8299
~~state commissioner~~ may excuse the company or self-assessing 8300
purchaser from electronic remittance ~~by electronic funds transfer~~ 8301
for good cause shown for the period of time requested by the 8302
company or self-assessing purchaser or for a portion of that 8303
period. The ~~treasurer of state commissioner~~ shall notify the ~~tax~~ 8304
~~commissioner and the~~ company or self-assessing purchaser of the 8305
~~treasurer of state's~~ commissioner's decision as soon as is 8306
practicable. 8307

(D) If a natural gas distribution company, an electric 8308
distribution company, or a self-assessing purchaser required by 8309
this section to remit taxes ~~by electronic funds transfer~~ 8310
electronically remits those taxes by some means other than ~~by~~ 8311
~~electronic funds transfer~~ electronically as prescribed by this 8312
section ~~and the rules adopted by the treasurer of state~~, and the 8313
~~treasurer of state tax commissioner~~ determines that such failure 8314
was not due to reasonable cause or was due to willful neglect, the 8315
~~treasurer of state shall notify the tax commissioner of the~~ 8316
~~failure to remit by electronic funds transfer and shall provide~~ 8317
~~the commissioner with any information used in making that~~ 8318
~~determination. The tax commissioner may collect an additional~~ 8319
charge by assessment in the manner prescribed by section 5727.89 8320
of the Revised Code. The additional charge shall equal five per 8321
cent of the amount of the taxes required to be paid ~~by electronic~~ 8322
~~funds transfer~~ electronically, but shall not exceed five thousand 8323
dollars. Any additional charge assessed under this section is in 8324

addition to any other penalty or charge imposed under this 8325
chapter, and shall be considered as revenue arising from the tax 8326
imposed under this chapter. The tax commissioner may abate all or 8327
a portion of such a charge and may adopt rules governing such 8328
abatements. 8329

No additional charge shall be assessed under this division 8330
against a natural gas distribution company, an electric 8331
distribution company, or a self-assessing purchaser that has been 8332
notified of its obligation to remit taxes electronically under 8333
this section and that remits its first two tax payments after such 8334
notification by some other means ~~other than electronic funds~~ 8335
~~transfer~~. The additional charge may be assessed upon the 8336
remittance of any subsequent tax payment that the company or 8337
purchaser remits by some means other than ~~electronic funds~~ 8338
~~transfer~~ electronically. 8339

Sec. 5733.022. (A) Subject to division (C) of this section, 8340
if a taxpayer's total liability for taxes imposed by section 8341
5733.06 of the Revised Code, after reduction for all nonrefundable 8342
credits allowed the taxpayer, ~~for tax year 1992 or 1993 exceeds~~ 8343
~~one hundred thousand dollars, the taxpayer shall remit each tax~~ 8344
~~payment for tax year 1994 to the treasurer of state by electronic~~ 8345
~~funds transfer as prescribed by divisions (B) and (C) of this~~ 8346
~~section. Subject to division (C) of this section, if a taxpayer's~~ 8347
~~total liability for taxes, after reduction for all nonrefundable~~ 8348
~~credits allowed the taxpayer, exceeds one hundred thousand dollars~~ 8349
~~for tax year 1993, the taxpayer shall remit each tax payment for~~ 8350
~~tax year 1995 by electronic funds transfer as prescribed by~~ 8351
~~divisions (B) and (C) of this section. If a taxpayer's total~~ 8352
~~liability for taxes, after reduction for all nonrefundable credits~~ 8353
~~allowed the taxpayer, exceeds seventy five thousand dollars for~~ 8354

~~tax year 1994, the taxpayer shall remit each tax payment for tax~~ 8355
~~year 1996 by electronic funds transfer as prescribed by divisions~~ 8356
~~(B) and (C) of this section. For tax year 1997 and any succeeding~~ 8357
~~tax year, if a taxpayer's total liability for taxes, after~~ 8358
~~reduction for all nonrefundable credits allowed the taxpayer,~~ 8359
~~exceeds fifty thousand dollars for the second preceding tax year,~~ 8360
~~the taxpayer shall remit each tax payment for the tax year by~~ 8361
~~electronic funds transfer electronically as prescribed by~~ 8362
~~divisions (B) and (C) of this section.~~ 8363

The tax commissioner shall notify each taxpayer required to 8364
~~remit taxes by electronic funds transfer electronically of the~~ 8365
~~taxpayer's obligation to do so, shall maintain an updated list of~~ 8366
~~those taxpayers, and shall provide the list and any additions~~ 8367
~~thereto or deletions therefrom to the treasurer of state. Failure~~ 8368
~~by the tax commissioner to notify a taxpayer subject to this~~ 8369
~~section to remit taxes by electronic funds transfer electronically~~ 8370
~~does not relieve the taxpayer of its obligation to remit taxes by~~ 8371
~~electronic funds transfer in that manner.~~ 8372

(B) Taxpayers required by this section to remit payments by 8373
~~electronic funds transfer electronically shall remit such payments~~ 8374
~~to the treasurer of state in the manner prescribed by rules~~ 8375
~~adopted by the treasurer under section 113.061 of the Revised Code~~ 8376
~~the tax commissioner.~~ 8377

Except as otherwise provided in this paragraph, the 8378
~~electronic payment of taxes by electronic funds transfer does not~~ 8379
~~affect a taxpayer's obligation to file the annual corporation~~ 8380
~~report or the declaration of estimated tax report as required~~ 8381
~~under sections 5733.02 and 5733.021 of the Revised Code. If the~~ 8382
~~taxpayer remits estimated tax payments in a manner, designated by~~ 8383
~~rule of the treasurer of state, that permits the inclusion of all~~ 8384
~~information necessary for the treasurer of state to process the~~ 8385

~~tax payment, the taxpayer need not file the declaration of~~ 8386
~~estimated tax report as required by section 5733.021 of the~~ 8387
~~Revised Code.~~ 8388

(C) If two or more taxpayers have elected or are required to 8389
 file a combined report under section 5733.052 of the Revised Code, 8390
 the tax liability of those taxpayers for purposes of division (A) 8391
 of this section is the aggregate tax liability of those taxpayers 8392
 after reduction for nonrefundable credits allowed the taxpayers. 8393

(D) A taxpayer required by this section to remit taxes ~~by~~ 8394
~~electronic funds transfer~~ electronically may apply to the 8395
~~treasurer of state tax commissioner~~ in the manner prescribed by 8396
 the ~~treasurer~~ commissioner to be excused from that requirement. 8397
 The ~~treasurer of state~~ commissioner may excuse the taxpayer from 8398
electronic remittance ~~by electronic funds transfer~~ for good cause 8399
 shown for the period of time requested by the taxpayer or for a 8400
 portion of that period. The ~~treasurer~~ commissioner shall notify 8401
 the ~~tax commissioner and the~~ taxpayer of the ~~treasurer's~~ 8402
commissioner's decision as soon as is practicable. 8403

(E) If a taxpayer required by this section to remit taxes ~~by~~ 8404
~~electronic funds transfer~~ electronically remits those taxes by 8405
 some means other than ~~by electronic funds transfer~~ electronically 8406
 as prescribed by this section ~~and the rules adopted by the~~ 8407
~~treasurer of state~~, and the ~~treasurer~~ tax commissioner determines 8408
 that such failure was not due to reasonable cause or was due to 8409
 willful neglect, the ~~treasurer shall notify the tax commissioner~~ 8410
~~of the failure to remit by electronic funds transfer and shall~~ 8411
~~provide the commissioner with any information used in making that~~ 8412
~~determination.~~ The tax commissioner may collect an additional 8413
 charge by assessment in the manner prescribed by section 5733.11 8414
 of the Revised Code. The additional charge shall equal five per 8415
 cent of the amount of the taxes or estimated tax payments required 8416

to be paid ~~by electronic funds transfer~~ electronically, but shall 8417
 not exceed five thousand dollars. Any additional charge assessed 8418
 under this section is in addition to any other penalty or charge 8419
 imposed under this chapter, and shall be considered as revenue 8420
 arising from the taxes imposed under this chapter. The ~~tax~~ 8421
 commissioner may remit all or a portion of such a charge and may 8422
 adopt rules governing such remission. 8423

No additional charge shall be assessed under this division 8424
 against a taxpayer that has been notified of its obligation to 8425
 remit taxes electronically under this section and that remits its 8426
 first two tax payments after such notification by some other means 8427
~~other than electronic funds transfer~~. The additional charge may be 8428
 assessed upon the remittance of any subsequent tax payment that 8429
 the taxpayer remits by some means other than ~~electronic funds~~ 8430
~~transfer~~ electronically. 8431

Sec. 5735.03. Except as provided in division (C)(2) of 8432
 section 5735.02 of the Revised Code, every motor fuel dealer shall 8433
 file with the tax commissioner a surety bond of not less than five 8434
 thousand dollars, but may be required by the tax commissioner to 8435
 submit a surety bond equal to three months' average tax liability, 8436
 on a form approved by and with a surety satisfactory to the 8437
 commissioner, upon which the motor fuel dealer shall be the 8438
 principal obligor and the state shall be the obligee, conditioned 8439
 upon the prompt filing of true reports and the payment by the 8440
 motor fuel dealer to the ~~treasurer of state~~ commissioner of all 8441
 motor fuel excise taxes levied by the state, provided that after 8442
 notice is received from the state by the surety of the delinquency 8443
 of any taxes, if the surety pays the taxes within thirty days 8444
 after the receipt of the notice no penalties or interest shall be 8445
 charged against the surety. If the surety does not pay the taxes 8446

within thirty days, but does pay within ninety days from the date 8447
of the receipt of notice from the state by the surety, no penalty 8448
shall be assessed against the surety but the surety shall pay 8449
interest at the rate of six per cent per annum on the unpaid taxes 8450
from the date the taxes are due and payable. If the surety does 8451
not pay within ninety days then the surety shall be liable for 8452
interest and penalties, and the tax commissioner may cancel all 8453
bonds issued by the surety. 8454

The commissioner may increase or reduce the amount of the 8455
bond required to be filed by any licensed motor fuel dealer. If 8456
the commissioner finds that it is necessary to increase the bond 8457
to assure payment of the tax, the bond may be increased to an 8458
amount equal to three months/average liability or fifty thousand 8459
dollars, whichever is greater. 8460

If liability upon the bond thus filed by the motor fuel 8461
dealer with the commissioner is discharged or reduced, whether by 8462
judgment rendered, payment made, or otherwise, or if, in the 8463
opinion of the commissioner any surety on the bond theretofore 8464
given has become unsatisfactory or unacceptable, the commissioner 8465
may require the motor fuel dealer to file a new bond with 8466
satisfactory sureties in the same amount, and if a new bond is not 8467
filed the commissioner shall forthwith cancel the license of the 8468
motor fuel dealer. If a new bond is furnished by the motor fuel 8469
dealer, the commissioner shall cancel and surrender the bond of 8470
the motor fuel dealer for which the new bond is substituted. 8471

A surety on a bond furnished by a motor fuel dealer shall be 8472
released from all liability to the state accruing on the bond 8473
after the expiration of sixty days from the date upon which the 8474
surety lodges with the commissioner a written request to be 8475
released. The request shall not operate to release the surety from 8476
any liability already accrued, or which accrues before the 8477

expiration of the sixty-day period. The commissioner shall 8478
 promptly on receipt of notice of the request notify the motor fuel 8479
 dealer who furnished the bond and, unless the motor fuel dealer on 8480
 or before the expiration of the sixty-day period files with the 8481
 commissioner a new bond with a surety satisfactory to the 8482
 commissioner in the amount and form provided in this section, the 8483
 commissioner shall forthwith cancel the license of the motor fuel 8484
 dealer. If the new bond is furnished by said motor fuel dealer, 8485
 the commissioner shall cancel and surrender the bond of the motor 8486
 fuel dealer for which the new bond is substituted. 8487

The commissioner, in lieu of any surety bond required by this 8488
 section, may accept a deposit by a motor fuel dealer of cash. Any 8489
 cash thus accepted shall be deposited with the ~~treasurer of state~~ 8490
commissioner to be held ~~by the treasurer of state, in the same~~ 8491
~~manner as other cash required to be deposited with the treasurer~~ 8492
~~of state under the laws of the state,~~ for the account of such 8493
 motor fuel dealer and subject to any lawful claim of the state for 8494
 any excise tax upon motor fuel, and penalties and interest thereon 8495
 levied by the laws of this state. The state shall have a lien upon 8496
 cash thus deposited for the amount of any motor fuel excise taxes 8497
 and penalty and interest due to the state from the motor fuel 8498
 dealer in whose behalf they were deposited. The amount of cash to 8499
 be thus accepted shall in all respects be determined in the same 8500
 manner as provided in this section for the amount of surety bonds. 8501
 Any cash deposited shall be subject to levy upon execution to 8502
 satisfy any judgment secured in any action by the state to recover 8503
 any motor fuel excise taxes, and penalties and interest found to 8504
 be due to the state from such motor fuel dealer. The cash shall be 8505
 released by the ~~treasurer of state~~ commissioner upon ~~certificate~~ 8506
~~of the commissioner~~ a determination that the license of the motor 8507
 fuel dealer in whose behalf they have been deposited has been 8508

canceled or that other security has been accepted in lieu thereof, 8509
and that the state asserts no claim thereto. 8510

Sec. 5735.062. (A) If the tax commissioner so requires, the 8511
dealer shall remit each monthly tax payment electronically as 8512
prescribed by division (B) of this section. 8513

The commissioner shall notify each dealer required to remit 8514
taxes electronically of the dealer's obligation to do so. Failure 8515
by the commissioner to notify a dealer subject to this section to 8516
remit taxes electronically does not relieve the dealer of its 8517
obligation to remit taxes electronically. 8518

(B) Dealers required by division (A) of this section to remit 8519
payments electronically shall remit such payments ~~to the treasurer~~ 8520
~~of state in the manner prescribed by rules adopted by the~~ 8521
~~treasurer under section 113.061 of the Revised Code or through the~~ 8522
~~department of taxation's web site Ohio business gateway, as~~ 8523
~~defined in section 718.01 of the Revised Code, or in another~~ 8524
~~manner as prescribed by the commissioner.~~ Required payments shall 8525
be remitted on or before the dates specified under section 5735.06 8526
of the Revised Code. The payment of taxes electronically does not 8527
affect a dealer's obligation to file the monthly return as 8528
required under section 5735.06 of the Revised Code. 8529

A dealer required by this section to remit taxes 8530
electronically may apply to the commissioner to be excused from 8531
that requirement. The commissioner may excuse the dealer from the 8532
electronic remittance requirement for good cause shown for the 8533
period of time requested by the dealer or for a portion of that 8534
period. 8535

(C) If a dealer required by this section to remit taxes 8536
electronically fails to do so, the commissioner may impose a 8537

penalty on the dealer not to exceed one of the following: 8538

(1) For the first return period the dealer fails to remit 8539
taxes electronically, the greater of twenty-five dollars or five 8540
per cent of the amount of the payment required to be remitted; 8541

(2) For the second or any subsequent return period the dealer 8542
fails to remit taxes electronically, the greater of fifty dollars 8543
or ten per cent of the amount of the payment required to be 8544
remitted. 8545

The penalty imposed under division (C) of this section is in 8546
addition to any other penalty imposed under this chapter and shall 8547
be considered as revenue arising from the taxes imposed under this 8548
chapter. A penalty may be collected by assessment in the manner 8549
prescribed by section 5735.12 of the Revised Code. The 8550
commissioner may abate all or a portion of a penalty. 8551

(D) The commissioner may adopt rules necessary to administer 8552
this section. 8553

Sec. 5739.031. (A) Upon application, the tax commissioner may 8554
issue a direct payment permit that authorizes a consumer to pay 8555
the sales tax levied by or pursuant to section 5739.02, 5739.021, 8556
5739.023, or 5739.026 of the Revised Code or the use tax levied by 8557
or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 of 8558
the Revised Code directly to the state and waives the collection 8559
of the tax by the vendor or seller if payment directly to the 8560
state would improve compliance and increase the efficiency of the 8561
administration of the tax. The commissioner may adopt rules 8562
establishing the criteria for the issuance of such permits. 8563

(B) Each permit holder, on or before the twenty-third day of 8564
each month, shall make and file with the ~~treasurer of state tax~~ 8565
commissioner a return for the preceding month in such form as is 8566

prescribed by the ~~tax~~ commissioner and shall pay the tax shown on 8567
the return to be due. The return shall show the sum of the prices 8568
of taxable merchandise used and taxable services received, the 8569
amount of tax due from the permit holder, and such other 8570
information as the commissioner deems necessary. The commissioner, 8571
upon written request by the permit holder, may extend the time for 8572
making and filing returns and paying the tax. If the commissioner 8573
determines that a permit holder's tax liability is not such as to 8574
merit monthly filing, the commissioner may authorize the permit 8575
holder to file returns and pay the tax at less frequent intervals. 8576
~~The treasurer of state shall show on the return the date it was~~ 8577
~~filed and the amount of the payment remitted to the treasurer.~~ 8578
~~Thereafter, the treasurer immediately shall transmit all returns~~ 8579
~~filed under this section to the tax commissioner.~~ 8580

Any permit holder required to file a return and pay the tax 8581
under this section whose total payment for any calendar year 8582
equals or exceeds the amount shown in section 5739.032 of the 8583
Revised Code shall make each payment required by this section in 8584
the second ensuing and each succeeding year ~~by electronic funds~~ 8585
~~transfer~~ electronically as prescribed by, and on or before the 8586
dates specified in, section 5739.032 of the Revised Code, except 8587
as otherwise prescribed by that section. 8588

(C) For purposes of reporting and remitting the tax, the 8589
price of tangible personal property or services purchased by, or 8590
of tangible personal property produced by, the permit holder shall 8591
be determined under division (G) of section 5741.01 of the Revised 8592
Code. Except as otherwise provided in division (E) of section 8593
5739.033 of the Revised Code, the situs of any purchase 8594
transaction made by the permit holder is the location where the 8595
tangible personal property or service is received by the permit 8596
holder. 8597

(D) It shall be the duty of every permit holder required to 8598
make a return and pay its tax under this section to keep and 8599
preserve suitable records of purchases together with invoices of 8600
purchases, bills of lading, asset ledgers, depreciation schedules, 8601
transfer journals, and such other primary and secondary records 8602
and documents in such form as the commissioner requires. All such 8603
records and other documents shall be open during business hours to 8604
the inspection of the tax commissioner, and shall be preserved for 8605
a period of four years, unless the commissioner, in writing, has 8606
authorized their destruction or disposal at an earlier date, or by 8607
order or by reason of a waiver of the four-year time limitation 8608
pursuant to section 5739.16 of the Revised Code requires that they 8609
be kept longer. 8610

(E) A permit granted pursuant to this section shall continue 8611
to be valid until surrendered by the holder or canceled for cause 8612
by the tax commissioner. 8613

(F) Persons who hold a direct payment permit that has not 8614
been canceled shall not be required to issue exemption 8615
certificates and shall not be required to pay the tax as 8616
prescribed in sections 5739.03, 5739.033, and 5741.12 of the 8617
Revised Code. Such persons shall notify vendors and sellers from 8618
whom purchases of tangible personal property or services are made, 8619
of their direct payment permit number and that the tax is being 8620
paid directly to the state. Upon receipt of such notice, such 8621
vendor or seller shall be absolved from all duties and liabilities 8622
imposed by section 5739.03 or 5741.04 of the Revised Code with 8623
respect to sales of tangible personal property or services to such 8624
permit holder. 8625

Vendors and sellers who make sales upon which the tax is not 8626
collected by reason of the provisions of this section shall 8627

maintain records in such manner that the amount involved and 8628
 identity of the purchaser may be ascertained. The receipts from 8629
 such sales shall not be subject to the tax levied in section 8630
 5739.10 of the Revised Code. 8631

Upon the cancellation or surrender of a direct payment 8632
 permit, the provisions of sections 5739.03, 5741.04, and 5741.12 8633
 of the Revised Code shall immediately apply to all purchases made 8634
 subsequent to such cancellation or surrender by the person who 8635
 previously held such permit, and such person shall so notify 8636
 vendors and sellers from whom purchases of tangible personal 8637
 property or services are made, in writing, prior to or at the time 8638
 of the first purchase after such cancellation or surrender. Upon 8639
 receipt of such notice, the vendor shall be subject to the 8640
 provisions of sections 5739.03 and 5739.10 of the Revised Code and 8641
 the seller shall be subject to the provisions of section 5741.04 8642
 of the Revised Code, with respect to all sales subsequently made 8643
 to such person. Failure of any such person to notify vendors or 8644
 sellers from whom purchases of tangible personal property or 8645
 services are made of the cancellation or surrender of a direct 8646
 payment permit shall be considered as a refusal to pay the tax by 8647
 the person required to issue such notice. 8648

Sec. 5739.032. (A) If the total amount of tax required to be 8649
 paid by a permit holder under section 5739.031 of the Revised Code 8650
 for any calendar year equals or exceeds seventy-five thousand 8651
 dollars, the permit holder shall remit each monthly tax payment in 8652
 the second ensuing and each succeeding year ~~by electronic funds~~ 8653
~~transfer~~ electronically as prescribed by division (B) of this 8654
 section. 8655

If a permit holder's tax payment for each of two consecutive 8656
 years is less than seventy-five thousand dollars, the permit 8657

holder is relieved of the requirement to remit taxes ~~by electronic~~ 8658
~~funds transfer~~ electronically for the year that next follows the 8659
second of the consecutive years in which the tax payment is less 8660
than that amount, and is relieved of that requirement for each 8661
succeeding year, unless the tax payment in a subsequent year 8662
equals or exceeds seventy-five thousand dollars. 8663

~~The tax commissioner shall notify each permit holder required~~ 8664
~~to remit taxes by electronic funds transfer of the permit holder's~~ 8665
~~obligation to do so, shall maintain an updated list of those~~ 8666
~~permit holders, and shall timely certify the list and any~~ 8667
~~additions thereto or deletions therefrom to the treasurer of~~ 8668
~~state.~~ Failure by the tax commissioner to notify a permit holder 8669
subject to this section to remit taxes ~~by electronic funds~~ 8670
~~transfer~~ electronically does not relieve the permit holder of its 8671
obligation to remit taxes ~~by electronic funds transfer in that~~ 8672
manner. 8673

(B) Permit holders required by division (A) of this section 8674
to remit payments ~~by electronic funds transfer~~ electronically 8675
shall remit such payments ~~to the treasurer of state in the manner~~ 8676
~~prescribed by this section and rules adopted by the treasurer of~~ 8677
~~state under section 113.061 of the Revised Code~~ by using the Ohio 8678
business gateway, as defined in section 718.01 of the Revised 8679
Code, or another means of electronic payment, and as follows: 8680

(1) On or before the twenty-third day of each month, a permit 8681
holder shall remit an amount equal to seventy-five per cent of the 8682
anticipated tax liability for that month. 8683

(2) On or before the twenty-third day of each month, a permit 8684
holder shall report the taxes due for the previous month and shall 8685
remit that amount, less any amounts paid for that month as 8686
required by division (B)(1) of this section. 8687

The electronic payment of taxes ~~by electronic funds transfer~~ 8688
 does not affect a permit holder's obligation to file the monthly 8689
 return as required under section 5739.031 of the Revised Code. 8690

~~(C) A permit holder required by this section to remit taxes~~ 8691
~~by electronic funds transfer may apply to the treasurer of state~~ 8692
~~in the manner prescribed by the treasurer of state to be excused~~ 8693
~~from that requirement. The treasurer of state may excuse the~~ 8694
~~permit holder from remittance by electronic funds transfer for~~ 8695
~~good cause shown for the period of time requested by the permit~~ 8696
~~holder or for a portion of that period. The treasurer of state~~ 8697
~~shall notify the tax commissioner and the permit holder of the~~ 8698
~~treasurer of state's decision as soon as is practicable.~~ 8699

~~(D)(1)(a)~~(C)(1)(a) If a permit holder that is required to 8700
 remit payments under division (B) of this section fails to make a 8701
 payment, or makes a payment under division (B)(1) of this section 8702
 that is less than seventy-five per cent of the actual liability 8703
 for that month, the commissioner may impose an additional charge 8704
 not to exceed five per cent of that unpaid amount. 8705

(b) Division ~~(D)(1)(a)~~(C)(1)(a) of this section does not 8706
 apply if the permit holder's payment under division (B)(1) of this 8707
 section is equal to or greater than seventy-five per cent of the 8708
 permit holder's reported liability for the same month in the 8709
 immediately preceding calendar year. 8710

(2) If a permit holder required by this section to remit 8711
 taxes ~~by electronic funds transfer~~ electronically remits those 8712
 taxes by some means other than ~~by electronic funds transfer~~ 8713
electronically as prescribed by this section ~~and the rules adopted~~ 8714
~~by the treasurer of state,~~ and the tax commissioner determines 8715
 that such failure was not due to reasonable cause or was due to 8716
 willful neglect, the commissioner may impose an additional charge 8717

not to exceed the lesser of five per cent of the amount of the 8718
 taxes required to be paid ~~by electronic funds transfer~~ 8719
electronically or five thousand dollars. 8720

(3) Any additional charge imposed under division ~~(D)(1)~~(C)(1) 8721
 or (2) of this section is in addition to any other penalty or 8722
 charge imposed under this chapter, and shall be considered as 8723
 revenue arising from taxes imposed under this chapter. An 8724
 additional charge may be collected by assessment in the manner 8725
 prescribed by section 5739.13 of the Revised Code. The tax 8726
 commissioner may waive all or a portion of such a charge and may 8727
 adopt rules governing such waiver. 8728

No additional charge shall be imposed under division 8729
~~(D)(2)~~(C)(2) of this section against a permit holder that has been 8730
 notified of its obligation to remit taxes electronically under 8731
 this section and that remits its first two tax payments after such 8732
 notification by some other means ~~other than electronic funds~~ 8733
~~transfer~~. The additional charge may be imposed upon the remittance 8734
 of any subsequent tax payment that the permit holder remits by 8735
 some means other than ~~electronic funds transfer~~ electronically. 8736

Sec. 5739.07. (A) When, pursuant to this chapter, a vendor 8737
 has paid taxes to the ~~treasurer of state or the treasurer of~~ 8738
~~state's agent, or to the~~ tax commissioner or the commissioner's 8739
 agent, the commissioner shall refund to the vendor the amount of 8740
 taxes paid, and any penalties assessed with respect to such taxes, 8741
 if the vendor has refunded to the consumer the full amount of 8742
 taxes the consumer paid illegally or erroneously or if the vendor 8743
 has illegally or erroneously billed the consumer but has not 8744
 collected the taxes from the consumer. 8745

(B) When, pursuant to this chapter, a consumer has paid taxes 8746
 directly to ~~the treasurer of state or the treasurer of state's~~ 8747

~~agent, or to~~ the tax commissioner or the commissioner's agent, and 8748
the payment or assessment was illegal or erroneous, the 8749
commissioner shall refund to the consumer the full amount of 8750
illegal or erroneous taxes paid and any penalties assessed with 8751
respect to such taxes. 8752

(C) The commissioner shall refund to the consumer amounts 8753
paid illegally or erroneously to a vendor only if: 8754

(1) The commissioner has not refunded the tax to the vendor 8755
and the vendor has not refunded the tax to the consumer; or 8756

(2) The consumer has received a refund from a manufacturer or 8757
other person, other than the vendor, of the full purchase price, 8758
but not the tax, paid to the vendor in settlement of a complaint 8759
by the consumer about the property or service purchased. 8760

The commissioner may require the consumer to obtain or the 8761
vendor to provide a written statement confirming that the vendor 8762
has not refunded the tax to the consumer and has not filed an 8763
application for refund of the tax with the commissioner. 8764

(D) Subject to division (E) of this section, an application 8765
for refund shall be filed with the tax commissioner on the form 8766
prescribed by the commissioner within four years from the date of 8767
the illegal or erroneous payment, unless the vendor or consumer 8768
waives the time limitation under division (A)(3) of section 8769
5739.16 of the Revised Code. If the time limitation is waived, the 8770
refund application period shall be extended for the same period as 8771
the waiver. 8772

(E) An application for refund shall be filed in accordance 8773
with division (D) of this section unless a person is subject to an 8774
assessment that is subject to the time limit of division (B) of 8775
section 5703.58 of the Revised Code for amounts not reported and 8776
paid between the four-year time limit described in division (D) of 8777

this section and the seven-year limit described in division (B) of 8778
 section 5703.58 of the Revised Code, in which case the person may 8779
 file an application within six months after the date the 8780
 assessment is issued. Any refund allowed under this division shall 8781
 not exceed the amount of the assessment due for the same period. 8782

(F) On the filing of an application for a refund, the 8783
 commissioner shall determine the amount of refund to which the 8784
 applicant is entitled. If the amount is not less than that 8785
 claimed, the commissioner shall certify that amount to the 8786
 director of budget and management and the treasurer of state for 8787
 payment from the tax refund fund created by section 5703.052 of 8788
 the Revised Code. If the amount is less than that claimed, the 8789
 commissioner shall proceed in accordance with section 5703.70 of 8790
 the Revised Code. 8791

(G) When a refund is granted under this section, it shall 8792
 include interest thereon as provided by section 5739.132 of the 8793
 Revised Code. 8794

Sec. 5743.05. The tax commissioner shall sell all stamps 8795
 provided for by section 5743.03 of the Revised Code. Each stamp 8796
 that is to be affixed to a package of cigarettes shall be sold for 8797
 the amount of tax due on that package, except the commissioner 8798
 shall, by rule, authorize the sale of stamps to wholesale dealers 8799
 in this state, or to wholesale dealers outside this state, at a 8800
 discount of not less than one and eight-tenths per cent or more 8801
 than ten per cent of such tax due, as a commission for affixing 8802
 and canceling the stamps. 8803

The commissioner, by rule, shall authorize the delivery of 8804
 stamps to wholesale dealers in this state and to wholesale dealers 8805
 outside this state on credit. If such a dealer has not been in 8806

good credit standing with this state for five consecutive years 8807
preceding the purchase, the commissioner shall require the dealer 8808
to file with the commissioner a bond to the state in the amount 8809
and in the form prescribed by the commissioner, with surety to the 8810
satisfaction of the commissioner, conditioned on payment to the 8811
~~treasurer of state or the~~ commissioner within thirty days or the 8812
following twenty-third day of June, whichever comes first for 8813
stamps delivered within that time. If such a dealer has been in 8814
good credit standing with this state for five consecutive years 8815
preceding the purchase, the commissioner shall not require that 8816
the dealer file such a bond but shall require payment for the 8817
stamps within thirty days after purchase of the stamps or the 8818
following twenty-third day of June, whichever comes first. Each 8819
stamp that is sold to a dealer not required to file a bond shall 8820
be sold for the amount of tax due on that package of cigarettes. 8821
The maximum amount that may be sold on credit to a dealer not 8822
required to file a bond shall equal one hundred ten per cent of 8823
the dealer's average monthly purchases over the preceding calendar 8824
year. The maximum amount shall be adjusted to reflect any changes 8825
in the tax rate and may be adjusted, upon application to the 8826
commissioner by the dealer, to reflect changes in the business 8827
operations of the dealer. The maximum amount shall be applicable 8828
to the period between the first day of July to the following 8829
twenty-third day of June. Payment by a dealer not required to file 8830
a bond shall be remitted by electronic funds transfer as 8831
prescribed by section 5743.051 of the Revised Code. If a dealer 8832
not required to file a bond fails to make the payment in full 8833
within the required payment period, the commissioner shall not 8834
thereafter sell stamps to that dealer until the dealer pays the 8835
outstanding amount, including penalty and interest on that amount 8836
as prescribed in this chapter, and the commissioner thereafter may 8837

require the dealer to file a bond until the dealer is restored to 8838
good standing. The commissioner shall limit delivery of stamps on 8839
credit to the period running from the first day of July of the 8840
fiscal year until the twenty-third day of the following June. Any 8841
discount allowed as a commission for affixing and canceling stamps 8842
shall be allowed with respect to sales of stamps on credit. 8843

The commissioner shall redeem and pay for any destroyed, 8844
unused, or spoiled tax stamps at their net value, and shall refund 8845
to wholesale dealers the net amount of state and county taxes paid 8846
erroneously or paid on cigarettes that have been sold in 8847
interstate or foreign commerce or that have become unsalable, and 8848
the net amount of county taxes that were paid on cigarettes that 8849
have been sold at retail or for retail sale outside a taxing 8850
county. 8851

An application for a refund of tax shall be filed with the 8852
commissioner, on the form prescribed by the commissioner for that 8853
purpose, within three years from the date the tax stamps are 8854
destroyed or spoiled, from the date of the erroneous payment, or 8855
from the date that cigarettes on which taxes have been paid have 8856
been sold in interstate or foreign commerce or have become 8857
unsalable. 8858

On the filing of the application, the commissioner shall 8859
determine the amount of refund to which the applicant is entitled, 8860
payable from receipts of the state tax, and, if applicable, 8861
payable from receipts of a county tax. If the amount is not less 8862
than that claimed, the commissioner shall certify the amount to 8863
the director of budget and management and treasurer of state for 8864
payment from the tax refund fund created by section 5703.052 of 8865
the Revised Code. If the amount is less than that claimed, the 8866
commissioner shall proceed in accordance with section 5703.70 of 8867
the Revised Code. 8868

If a refund is granted for payment of an illegal or erroneous assessment issued by the department, the refund shall include interest on the amount of the refund from the date of the overpayment. The interest shall be computed at the rate per annum prescribed by section 5703.47 of the Revised Code.

Sec. 5743.051. This section applies to any wholesale or retail cigarette dealer required by section 5743.05 of the Revised Code to remit payment for tax stamps ~~by electronic funds transfer electronically~~. The tax commissioner shall notify each dealer of the dealer's obligation to do so and shall maintain an updated list of those dealers. Failure by the ~~tax~~ commissioner to notify a dealer subject to this section to remit taxes ~~by electronic funds transfer electronically~~ does not relieve the dealer of its obligation to remit taxes ~~by electronic funds transfer~~ in that manner.

A dealer required to remit payments ~~by electronic funds transfer electronically~~ shall remit such payments to the ~~treasurer of state commissioner~~ in the manner ~~prescribed by rules adopted by the treasurer of state under section 113.061 of the Revised Code approved by the commissioner~~ and within the time prescribed for such a dealer by section 5743.05 of the Revised Code.

A dealer required to remit taxes ~~by electronic funds transfer electronically~~ may apply to the ~~tax~~ commissioner in the manner prescribed by the ~~tax~~ commissioner to be excused from that requirement. The ~~tax~~ commissioner may excuse the dealer from electronic remittance ~~by electronic funds transfer~~ for good cause shown for the period of time requested by the dealer or for a portion of that period.

If a dealer required to remit taxes ~~by electronic funds~~

~~transfer electronically~~ remits those taxes by some other means, 8898
~~the treasurer of state shall notify the tax commissioner of the~~ 8899
~~failure to remit by electronic funds transfer. If and the tax~~ 8900
 commissioner determines that such failure was not due to 8901
 reasonable cause or was due to willful neglect, the ~~tax~~ 8902
 commissioner may collect an additional charge by assessment in the 8903
 manner prescribed by section 5743.081 of the Revised Code. The 8904
 additional charge shall equal five per cent of the amount of the 8905
 taxes required to be paid ~~by electronic funds transfer~~ 8906
electronically but shall not exceed five thousand dollars. Any 8907
 additional charge assessed under this section is in addition to 8908
 any other penalty or charge imposed under this chapter and shall 8909
 be considered as revenue arising from taxes imposed under this 8910
 chapter. The ~~tax~~ commissioner may abate all or a portion of such a 8911
 charge and may adopt rules governing such remissions. 8912

No additional charge shall be assessed under this section 8913
 against a dealer that has been notified of its obligation to remit 8914
 taxes electronically under this section and that remits its first 8915
 two tax payments after such notification by some other means ~~other~~ 8916
~~than electronic funds transfer~~. The additional charge may be 8917
 assessed upon the remittance of any subsequent tax payment that 8918
 the dealer remits by some means other than ~~electronic funds~~ 8919
~~transfer~~ electronically. 8920

Sec. 5743.15. (A) Except as otherwise provided in this 8921
 division, no person shall engage in this state in the wholesale or 8922
 retail business of trafficking in cigarettes or in the business of 8923
 a manufacturer or importer of cigarettes without having a license 8924
 to conduct each such activity issued by a county auditor under 8925
 division (B) of this section or the tax commissioner under 8926
 divisions (C) and (F) of this section. On dissolution of a 8927

partnership by death, the surviving partner may operate under the 8928
license of the partnership until expiration of the license, and 8929
the heirs or legal representatives of deceased persons, and 8930
receivers and trustees in bankruptcy appointed by any competent 8931
authority, may operate under the license of the person succeeded 8932
in possession by such heir, representative, receiver, or trustee 8933
in bankruptcy if the partner or successor notifies the issuer of 8934
the license of the dissolution or succession within thirty days 8935
after the dissolution or succession. 8936

(B)(1) Each applicant for a license to engage in the retail 8937
business of trafficking in cigarettes under this section, 8938
annually, on or before the ~~fourth Monday of May~~ first day of June, 8939
shall make and deliver to the county auditor of the county in 8940
which the applicant desires to engage in the retail business of 8941
trafficking in cigarettes, upon a blank form furnished by such 8942
auditor for that purpose, a statement showing the name of the 8943
applicant, each physical place in the county where the applicant's 8944
business is conducted, the nature of the business, and any other 8945
information the tax commissioner requires in the form of statement 8946
prescribed by the commissioner. If the applicant is a firm, 8947
partnership, or association other than a corporation, the 8948
application shall state the name and address of each of its 8949
members. If the applicant is a corporation, the application shall 8950
state the name and address of each of its officers. At the time of 8951
making the application required by this section, every person 8952
desiring to engage in the retail business of trafficking in 8953
cigarettes shall pay an application fee in the sum of one hundred 8954
twenty-five dollars for each physical place where the person 8955
proposes to carry on such business. Each place of business shall 8956
be deemed such space, under lease or license to, or under the 8957
control of, or under the supervision of the applicant, as is 8958

contained in one or more contiguous, adjacent, or adjoining 8959
 buildings constituting an industrial plant or a place of business 8960
 operated by, or under the control of, one person, or under one 8961
 roof and connected by doors, halls, stairways, or elevators, which 8962
 space may contain any number of points at which cigarettes are 8963
 offered for sale, provided that each additional point at which 8964
 cigarettes are offered for sale shall be listed in the 8965
 application. 8966

(2) Upon receipt of the application and exhibition of the 8967
 county treasurer's receipt showing the payment of the application 8968
 fee, the county auditor shall issue to the applicant a license for 8969
 each place of business designated in the application, authorizing 8970
 the applicant to engage in such business at such place for one 8971
 year commencing on the ~~fourth Monday of May~~ first day of June. The 8972
 form of the license shall be prescribed by the commissioner. A 8973
 duplicate license may be obtained from the county auditor upon 8974
 payment of a five-dollar fee if the original license is lost, 8975
 destroyed, or defaced. When an application is filed after the 8976
~~fourth Monday of May~~ first day of June, the application fee 8977
 required to be paid shall be proportioned in amount to the 8978
 remainder of the license year, except that it shall not be less 8979
 than twenty-five dollars in any one year. 8980

(3) The holder of a retail dealer's cigarette license may 8981
 transfer the license to a place of business within the same county 8982
 other than that designated on the license on condition that the 8983
 licensee's ownership interest and business structure remain 8984
 unchanged, and that the licensee applies to the county auditor 8985
 therefor, upon forms approved by the commissioner and the payment 8986
 of a fee of five dollars into the county treasury. 8987

(C)(1) Each applicant for a license to engage in the 8988
 wholesale business of trafficking in cigarettes under this 8989

section, annually, on or before the ~~fourth Monday in May~~ first day 8990
of June, shall make and deliver to the tax commissioner, upon a 8991
blank form furnished by the commissioner for that purpose, a 8992
statement showing the name of the applicant, physical street 8993
address where the applicant's business is conducted, the nature of 8994
the business, and any other information required by the 8995
commissioner. If the applicant is a firm, partnership, or 8996
association other than a corporation, the applicant shall state 8997
the name and address of each of its members. If the applicant is a 8998
corporation, the applicant shall state the name and address of 8999
each of its officers. At the time of making the application 9000
required by this section, every person desiring to engage in the 9001
wholesale business of trafficking in cigarettes shall pay an 9002
application fee of one thousand dollars for each physical place 9003
where the person proposes to carry on such business. Each place of 9004
business shall be deemed such space, under lease or license to, or 9005
under the control of, or under the supervision of the applicant, 9006
as is contained in one or more contiguous, adjacent, or adjoining 9007
buildings constituting an industrial plant or a place of business 9008
operated by, or under the control of, one person, or under one 9009
roof and connected by doors, halls, stairways, or elevators. A 9010
duplicate license may be obtained from the commissioner upon 9011
payment of a twenty-five-dollar fee if the original license is 9012
lost, destroyed, or defaced. 9013

(2) Upon receipt of the application and payment of any 9014
application fee required by this section, the commissioner shall 9015
verify that the applicant is not in violation of any provision of 9016
Chapter 1346. or Title LVII of the Revised Code. The commissioner 9017
shall also verify that the applicant has filed any returns, 9018
submitted any information, and paid any outstanding taxes, 9019
charges, or fees as required for any tax, charge, or fee 9020

administered by the commissioner, to the extent that the 9021
commissioner is aware of the returns, information, or payments at 9022
the time of the application. Upon approval, the commissioner shall 9023
issue to the applicant a license for each physical place of 9024
business designated in the application authorizing the applicant 9025
to engage in business at that location for one year commencing on 9026
the ~~fourth Monday in May~~ first day of June. For licenses issued 9027
after the ~~fourth Monday in May~~ first day of June, the application 9028
fee shall be reduced proportionately by the remainder of the 9029
twelve-month period for which the license is issued, except that 9030
the application fee required to be paid under this section shall 9031
be not less than two hundred dollars in any one year. 9032

(3) The holder of a wholesale dealer cigarette license may 9033
transfer the license to a place of business other than that 9034
designated on the license on condition that the licensee's 9035
ownership or business structure remains unchanged, and that the 9036
licensee applies to the commissioner for such a transfer upon a 9037
form promulgated by the commissioner and pays a fee of twenty-five 9038
dollars, which shall be deposited into the cigarette tax 9039
enforcement fund created in division (E) of this section. 9040

(D)(1) The wholesale cigarette license application fees 9041
collected under this section shall be paid into the cigarette tax 9042
enforcement fund. 9043

(2) The retail cigarette license application fees collected 9044
under this section shall be distributed as follows: 9045

(a) Thirty per cent shall be paid upon the warrant of the 9046
county auditor into the treasury of the municipal corporation or 9047
township in which the places of business for which the tax revenue 9048
was received are located; 9049

(b) Ten per cent shall be credited to the general fund of the 9050

county; 9051

(c) Sixty per cent shall be paid into the cigarette tax 9052
enforcement fund. 9053

(3) The remainder of the revenues and fines collected under 9054
this section and the penal laws relating to cigarettes shall be 9055
distributed as follows: 9056

(a) Three-fourths shall be paid upon the warrant of the 9057
county auditor into the treasury of the municipal corporation or 9058
township in which the place of business, on account of which the 9059
revenues and fines were received, is located; 9060

(b) One-fourth shall be credited to the general fund of the 9061
county. 9062

(E) There is hereby created within the state treasury the 9063
cigarette tax enforcement fund for the purpose of providing funds 9064
to assist in paying the costs of enforcing sections 1333.11 to 9065
1333.21 and Chapter 5743. of the Revised Code. 9066

The portion of cigarette license application fees received by 9067
a county auditor during the annual application period that ends on 9068
the ~~fourth Monday in May~~ first day of June and that is required to 9069
be deposited in the cigarette tax enforcement fund shall be sent 9070
to the ~~treasurer of state~~ tax commissioner by the thirtieth day of 9071
June each year accompanied by the form prescribed by the tax 9072
commissioner. The portion of cigarette license application fees 9073
received by each county auditor after the ~~fourth Monday in May~~ 9074
first day of June and that is required to be deposited in the 9075
cigarette tax enforcement fund shall be sent to the ~~treasurer of~~ 9076
~~state~~ commissioner by the last day of the month following the 9077
month in which such fees were collected. 9078

(F)(1) Every person who desires to engage in the business of 9079

a manufacturer or importer of cigarettes shall, annually, on or
before the ~~fourth Monday of May~~ first day of June, make and
deliver to the tax commissioner, upon a blank form furnished by
the commissioner for that purpose, a statement showing the name of
the applicant, the nature of the applicant's business, and any
other information required by the commissioner. If the applicant
is a firm, partnership, or association other than a corporation,
the applicant shall state the name and address of each of its
members. If the applicant is a corporation, the applicant shall
state the name and address of each of its officers.

(2) Upon receipt of the application required under this
section, the commissioner shall verify that the applicant is not
in violation of any provision of Chapter 1346. of the Revised
Code. The commissioner shall also verify that the applicant has
filed any returns, submitted any information, and paid any
outstanding taxes, charges, or fees as required for any tax,
charge, or fee administered by the commissioner, to the extent
that the commissioner is aware of the returns, information, taxes,
charges, or fees at the time of the application. Upon approval,
the commissioner shall issue to the applicant a license
authorizing the applicant to engage in the business of
manufacturer or importer, whichever the case may be, for one year
commencing on the ~~fourth Monday of May~~ first day of June.

(3) The issuing of a license under division (F)(1) of this
section to a manufacturer does not excuse a manufacturer from the
certification process required under section 1346.05 of the
Revised Code. A manufacturer who is issued a license under
division (F)(1) of this section and who is not listed on the
directory required under section 1346.05 of the Revised Code shall
not be permitted to sell cigarettes in this state other than to a
licensed cigarette wholesaler for sale outside this state. Such a

manufacturer shall provide documentation to the commissioner 9111
 evidencing that the cigarettes are legal for sale in another 9112
 state. 9113

(G) The tax commissioner may adopt rules necessary to 9114
 administer this section. 9115

Sec. 5745.03. (A) For each taxable year, each taxpayer shall 9116
 file an annual report with the tax commissioner not later than the 9117
 fifteenth day of the fourth month after the end of the taxpayer's 9118
 taxable year, and shall remit with that report the amount of tax 9119
 due as shown on the report less the amount paid for the year under 9120
 section 5745.04 of the Revised Code. The remittance shall be made 9121
 in the form prescribed by the ~~tax~~ commissioner. If the amount 9122
 payable with the report exceeds one thousand dollars, the taxpayer 9123
 shall remit the amount ~~by electronic funds transfer as~~ 9124
electronically in a manner prescribed by the ~~treasurer of state~~ 9125
~~commissioner~~. The ~~tax~~ commissioner shall ~~immediately forward to~~ 9126
~~the treasurer of state all amounts that the tax commissioner~~ 9127
~~receives pursuant to this chapter. The treasurer of state shall~~ 9128
 credit ninety-eight and one-half per cent of such remittances to 9129
 the municipal income tax fund, which is hereby created in the 9130
 state treasury, and credit the remainder to the municipal income 9131
 tax administrative fund, which is hereby created in the state 9132
 treasury. 9133

(B) Any taxpayer that has been granted an extension for 9134
 filing a federal income tax return may request an extension for 9135
 filing the return required under this section by filing with the 9136
 tax commissioner a copy of the taxpayer's request for the federal 9137
 filing extension. The request shall be filed not later than the 9138
 last day for filing the return as required under division (A) of 9139
 this section. If such a request is properly and timely filed, the 9140

~~tax~~ commissioner shall extend the last day for filing the return 9141
required under this section for the same period for which the 9142
federal filing extension was granted. The ~~tax~~ commissioner may 9143
deny the filing extension request only if the taxpayer fails to 9144
timely file the request, fails to file a copy of the federal 9145
extension request, owes past due taxes, interest, or penalty under 9146
this chapter, or has failed to file a required report or other 9147
document for a prior taxable year. The granting of an extension 9148
under this section does not extend the last day for paying taxes 9149
without penalty pursuant to this chapter unless the ~~tax~~ 9150
commissioner extends the payment date. 9151

(C) The annual report shall include statements of the 9152
following facts as of the last day of the taxpayer's taxable year: 9153

(1) The name of the taxpayer; 9154

(2) The name of the state or country under the laws of which 9155
it is incorporated; 9156

(3) The location of its principal office in this state and, 9157
in the case of a taxpayer organized under the laws of another 9158
state, the principal place of business in this state and the name 9159
and address of the officer or agent of the taxpayer in charge of 9160
the business conducted in this state; 9161

(4) The names of the president, secretary, treasurer, and 9162
statutory agent in this state, with the post-office address of 9163
each; 9164

(5) The date on which the taxpayer's taxable year begins and 9165
ends; 9166

(6) The taxpayer's federal taxable income during the 9167
taxpayer's taxable year; 9168

(7) Any other information the tax commissioner requires for 9169

the proper administration of this chapter. 9170

(D) The tax commissioner may require any reports required 9171
under this chapter to be filed in an electronic format. 9172

(E) A municipal corporation may not require a taxpayer 9173
required to file a report under this section to file a report of 9174
the taxpayer's income, but a municipal corporation may require a 9175
taxpayer to report to the municipal corporation the value of the 9176
taxpayer's real and tangible personal property situated in the 9177
municipal corporation, compensation paid by the taxpayer to its 9178
employees in the municipal corporation, and sales made in the 9179
municipal corporation by the taxpayer, to the extent necessary for 9180
the municipal corporation to compute the taxpayer's municipal 9181
property, payroll, and sales factors for the municipal 9182
corporation. 9183

(F) On or before the thirty-first day of January each year, 9184
each municipal corporation imposing a tax on income shall certify 9185
to the tax commissioner the rate of the tax in effect on the first 9186
day of January of that year. If any municipal corporation fails to 9187
certify its income tax rate as required by this division, the ~~tax~~ 9188
commissioner shall notify the director of budget and management, 9189
who, upon receiving such notification, shall withhold from each 9190
payment made to the municipal corporation under section 5745.05 of 9191
the Revised Code fifty per cent of the amount of the payment 9192
otherwise due the municipal corporation under that section as 9193
computed on the basis of the tax rate most recently certified 9194
until the municipal corporation certifies the tax rate in effect 9195
on the first day of January of that year. 9196

The tax rate used to determine the tax payable to a municipal 9197
corporation under this section for a taxpayer's taxable year shall 9198
be the tax rate in effect in a municipal corporation on the first 9199

day of January in that taxable year. If a taxpayer's taxable year 9200
 is for a period less than twelve months that does not include the 9201
 first day of January, the tax rate used to determine the tax 9202
 payable to a municipal corporation under this section for the 9203
 taxpayer's taxable year shall be the tax rate in effect in a 9204
 municipal corporation on the first day of January in the preceding 9205
 taxable year. 9206

Sec. 5745.04. (A) As used in this section, "combined tax 9207
 liability" means the total of a taxpayer's income tax liabilities 9208
 to all municipal corporations in this state for a taxable year. 9209

(B) ~~Beginning with its taxable year beginning in 2003, each~~ 9210
~~Each~~ taxpayer shall file a declaration of estimated tax report 9211
 with, and remit estimated taxes to, the tax commissioner, payable 9212
 to the treasurer of state, at the times and in the amounts 9213
 prescribed in divisions (B)(1) to (4) of this section. ~~This~~ 9214
~~division also applies to a taxpayer having a taxable year~~ 9215
~~consisting of fewer than twelve months, at least one of which is~~ 9216
~~in 2002, that ends before January 1, 2003.~~ The first taxable year 9217
 a taxpayer is subject to this chapter, the estimated taxes the 9218
 taxpayer is required to remit under this section shall be based 9219
 solely on the current taxable year and not on the liability for 9220
 the preceding taxable year. 9221

(1) Not less than twenty-five per cent of the combined tax 9222
 liability for the preceding taxable year or twenty per cent of the 9223
 combined tax liability for the current taxable year shall have 9224
 been remitted not later than the fifteenth day of the fourth month 9225
 after the end of the preceding taxable year. 9226

(2) Not less than fifty per cent of the combined tax 9227
 liability for the preceding taxable year or forty per cent of the 9228

combined tax liability for the current taxable year shall have 9229
 been remitted not later than the fifteenth day of the sixth month 9230
 after the end of the preceding taxable year. 9231

(3) Not less than seventy-five per cent of the combined tax 9232
 liability for the preceding taxable year or sixty per cent of the 9233
 combined tax liability for the current taxable year shall have 9234
 been remitted not later than the fifteenth day of the ninth month 9235
 after the end of the preceding taxable year. 9236

(4) Not less than one hundred per cent of the combined tax 9237
 liability for the preceding taxable year or eighty per cent of the 9238
 combined tax liability for the current taxable year shall have 9239
 been remitted not later than the fifteenth day of the twelfth 9240
 month after the end of the preceding taxable year. 9241

(C) Each taxpayer shall report on the declaration of 9242
 estimated tax report the portion of the remittance that the 9243
 taxpayer estimates that it owes to each municipal corporation for 9244
 the taxable year. 9245

(D) Upon receiving a declaration of estimated tax report and 9246
 remittance of estimated taxes under this section, the tax 9247
 commissioner shall ~~immediately forward to the treasurer of state~~ 9248
~~such remittance. The treasurer of state shall~~ credit ninety-eight 9249
 and one-half per cent of the remittance to the municipal income 9250
 tax fund and credit the remainder to the municipal income tax 9251
 administrative fund. 9252

(E) If any remittance of estimated taxes is for one thousand 9253
 dollars or more, the taxpayer shall make the remittance ~~by~~ 9254
~~electronic funds transfer~~ electronically as prescribed by section 9255
~~5745.04~~ 5745.041 of the Revised Code. 9256

(F) Notwithstanding section 5745.08 or 5745.09 of the Revised 9257

Code, no penalty or interest shall be imposed on a taxpayer if the
 declaration of estimated tax report is properly filed, and the
 estimated tax is paid, within the time prescribed by division (B)
 of this section.

Sec. 5745.041. Any taxpayer required by section 5745.03 or
 5745.04 of the Revised Code to remit tax payments ~~by electronic
 funds transfer~~ electronically shall remit such payments ~~to the
 treasurer of state in the manner prescribed by rules adopted by
 the treasurer under section 113.061 of the Revised Code in the
 manner prescribed by the tax commissioner.~~ Except as otherwise
 provided in this paragraph, the payment of taxes ~~by electronic
 funds transfer~~ electronically does not affect a taxpayer's
 obligation to file reports under this chapter. ~~If a taxpayer
 remits estimated tax payments in a manner, designated by rule of
 the treasurer of state, that permits the inclusion of all
 information necessary for the treasurer of state to process the
 payment, the taxpayer is not required to file the declaration of
 estimated tax report as otherwise required under section 5745.04
 of the Revised Code.~~

~~The treasurer of state, in consultation with the tax
 commissioner, may adopt rules governing the format for reporting
 and paying estimated taxes by electronic funds transfer.~~

A taxpayer required to remit taxes ~~by electronic funds
 transfer~~ electronically may apply to the ~~treasurer of state tax
 commissioner~~ in the manner prescribed by the ~~treasurer
 commissioner~~ to be excused from that requirement. The ~~treasurer of
 state commissioner~~ may excuse the taxpayer from the requirement
 for good cause shown for the period of time requested by the
 taxpayer or for a portion of that period. ~~The treasurer shall
 notify the tax commissioner and the taxpayer of the treasurer's~~

~~decision as soon as is practicable.~~ 9288

If a taxpayer required by this section to remit taxes by ~~electronic funds transfer~~ electronically remits those taxes by 9289
~~some means other than by electronic funds transfer~~ electronically 9290
as prescribed by this section ~~and the rules adopted by the~~ 9291
~~treasurer of state~~, and the ~~treasurer~~ commissioner determines that 9292
such failure was not due to reasonable cause or was due to willful 9293
neglect, the ~~treasurer shall notify the tax commissioner of the~~ 9294
~~failure to remit by electronic funds transfer and shall provide~~ 9295
~~the commissioner with any information used in making that~~ 9296
~~determination.~~ The tax commissioner may collect an additional 9297
charge by assessment in the manner prescribed by section 5745.12 9298
of the Revised Code. The additional charge shall equal five per 9299
cent of the amount of the taxes or estimated tax payments required 9300
to be paid ~~by electronic funds transfer~~ electronically, but shall 9301
not exceed five thousand dollars. Any additional charge assessed 9302
under this section is in addition to any other penalty or charge 9303
imposed under this chapter, and shall be considered as revenue 9304
arising from municipal income taxes collected under this chapter. 9305
The ~~tax~~ commissioner may remit all or a portion of such a charge 9306
and may adopt rules governing such remission. 9307
9308

No additional charge shall be assessed under this section 9309
against a taxpayer that has been notified of its obligation to 9310
remit taxes electronically under this section and that remits its 9311
first two tax payments after such notification by some other means 9312
~~other than electronic funds transfer~~. The additional charge may be 9313
assessed upon the remittance of any subsequent tax payment that 9314
the taxpayer remits by some means other than ~~electronic funds~~ 9315
~~transfer~~ electronically. 9316

Sec. 5747.059. (A) This section applies only to reduce a 9317

taxpayer's aggregate tax liability under section 5747.02 of the Revised Code. 9318
9319

(B) There is hereby allowed a refundable credit against a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code. This credit shall be equal to the taxpayer's proportionate share of the lesser of either the tax due or the tax paid under section 5733.41 or 5747.41 of the Revised Code by any qualifying entity as defined in section 5733.40 of the Revised Code for the qualifying taxable year of the qualifying entity which ends in the taxable year of the taxpayer. 9320
9321
9322
9323
9324
9325
9326
9327

(C) The taxpayer shall claim the credit for the taxpayer's taxable year in which ends the qualifying entity's qualifying taxable year. For purposes of making tax payments under this chapter, taxes equal to the amount of the credit shall be considered to be paid by the taxpayer to this state on the day that the qualifying entity pays to the ~~treasurer of state tax commissioner~~ the amount due pursuant to section 5733.41 and sections 5747.41 to 5747.453 of the Revised Code with respect to and for the taxpayer. 9328
9329
9330
9331
9332
9333
9334
9335
9336

(D) In claiming the credit and determining the taxpayer's proportionate share of the tax due and the tax paid by any qualifying entity, the taxpayer shall follow the concepts set forth in subchapters J and K of the Internal Revenue Code. 9337
9338
9339
9340

(E) The credit shall be claimed in the order required under section 5747.98 of the Revised Code. If the amount of the credit under this section exceeds the aggregate amount of tax otherwise due under section 5747.02 of the Revised Code after deduction of all other credits in that order, the taxpayer is entitled to a refund of the excess. 9341
9342
9343
9344
9345
9346

Sec. 5747.07. (A) As used in this section: 9347

(1) "Partial weekly withholding period" means a period during 9348
 which an employer directly, indirectly, or constructively pays 9349
 compensation to, or credits compensation to the benefit of, an 9350
 employee, and that consists of a consecutive Saturday, Sunday, 9351
 Monday, and Tuesday or a consecutive Wednesday, Thursday, and 9352
 Friday. There are two partial weekly withholding periods each 9353
 week, except that a partial weekly withholding period cannot 9354
 extend from one calendar year into the next calendar year; if the 9355
 first day of January falls on a day other than Saturday or 9356
 Wednesday, the partial weekly withholding period ends on the 9357
 thirty-first day of December and there are three partial weekly 9358
 withholding periods during that week. 9359

(2) "Undeposited taxes" means the taxes an employer is 9360
 required to deduct and withhold from an employee's compensation 9361
 pursuant to section 5747.06 of the Revised Code that have not been 9362
 remitted to the tax commissioner pursuant to this section or ~~to~~ 9363
~~the treasurer of state pursuant to~~ section 5747.072 of the Revised 9364
 Code. 9365

(3) A "week" begins on Saturday and concludes at the end of 9366
 the following Friday. 9367

(4) "Professional employer organization," "professional 9368
 employer organization agreement," and "professional employer 9369
 organization reporting entity" have the same meanings as in 9370
 section 4125.01 of the Revised Code. 9371

(5) "Alternate employer organization" and "alternate employer 9372
 organization agreement" have the same meanings as in section 9373
 4133.01 of the Revised Code. 9374

(6) "Client employer" has the same meaning as in section 9375

4125.01 of the Revised Code in the context of a professional 9376
employer organization or a professional employer organization 9377
reporting entity, or the same meaning as in section 4133.01 of the 9378
Revised Code in the context of an alternate employer organization. 9379

(B) Except as provided in divisions (C) and (D) of this 9380
section and in division (A) of section 5747.072 of the Revised 9381
Code, every employer required to deduct and withhold any amount 9382
under section 5747.06 of the Revised Code shall file a return and 9383
shall pay the amount required by law as follows: 9384

(1) An employer who accumulates or is required to accumulate 9385
undeposited taxes of one hundred thousand dollars or more during a 9386
partial weekly withholding period shall make the payment of the 9387
undeposited taxes by the close of the first banking day after the 9388
day on which the accumulation reaches one hundred thousand 9389
dollars. If required under division (I) of this section, the 9390
payment shall be made ~~by electronic funds transfer~~ electronically 9391
under section 5747.072 of the Revised Code. 9392

(2) Except as required by division (B)(1) of this section, an 9393
employer whose actual or required payments under this section were 9394
at least eighty-four thousand dollars during the twelve-month 9395
period ending on the thirtieth day of June of the preceding 9396
calendar year shall make the payment of undeposited taxes within 9397
three banking days after the close of a partial weekly withholding 9398
period during which the employer was required to deduct and 9399
withhold any amount under this chapter. If required under division 9400
(I) of this section, the payment shall be made ~~by electronic funds~~ 9401
~~transfer~~ electronically under section 5747.072 of the Revised 9402
Code. 9403

(3) Except as required by divisions (B)(1) and (2) of this 9404
section, if an employer's actual or required payments were more 9405

than two thousand dollars during the twelve-month period ending on 9406
the thirtieth day of June of the preceding calendar year, the 9407
employer shall make the payment of undeposited taxes for each 9408
month during which they were required to be withheld no later than 9409
fifteen days following the last day of that month. The employer 9410
shall file the return prescribed by the tax commissioner with the 9411
payment. 9412

(4) Except as required by divisions (B)(1), (2), and (3) of 9413
this section, an employer shall make the payment of undeposited 9414
taxes for each calendar quarter during which they were required to 9415
be withheld no later than the last day of the month following the 9416
last day of March, June, September, and December each year. The 9417
employer shall file the return prescribed by the tax commissioner 9418
with the payment. 9419

(C) The return and payment schedules prescribed by divisions 9420
(B)(1) and (2) of this section do not apply to the return and 9421
payment of undeposited school district income taxes arising from 9422
taxes levied pursuant to Chapter 5748. of the Revised Code. 9423
Undeposited school district income taxes shall be returned and 9424
paid pursuant to divisions (B)(3) and (4) of this section, as 9425
applicable. 9426

(D)(1) The requirements of division (B) of this section are 9427
met if the amount paid is not less than ninety-five per cent of 9428
the actual tax withheld or required to be withheld for the prior 9429
quarterly, monthly, or partial weekly withholding period, and the 9430
underpayment is not due to willful neglect. Any underpayment of 9431
withheld tax shall be paid within thirty days of the date on which 9432
the withheld tax was due without regard to division (D)(1) of this 9433
section. An employer described in division (B)(1) or (2) of this 9434
section shall make the payment ~~by electronic funds transfer~~ 9435

electronically under section 5747.072 of the Revised Code. 9436

(2) If the tax commissioner believes that quarterly or 9437
 monthly payments would result in a delay that might jeopardize the 9438
 remittance of withholding payments, the commissioner may order 9439
 that the payments be made weekly, or more frequently if necessary, 9440
 and the payments shall be made no later than three banking days 9441
 following the close of the period for which the jeopardy order is 9442
 made. An order requiring weekly or more frequent payments shall be 9443
 delivered to the employer ~~personally or by certified mail~~ in the 9444
manner provided in section 5703.37 of the Revised Code and remains 9445
 in effect until the commissioner notifies the employer to the 9446
 contrary. 9447

(3) If compelling circumstances exist concerning the 9448
 remittance of undeposited taxes, the commissioner may order the 9449
 employer to make payments under any of the payment schedules under 9450
 division (B) of this section. The order shall be delivered to the 9451
 employer ~~personally or by certified mail~~ in the manner provided in 9452
section 5703.37 of the Revised Code and shall remain in effect 9453
 until the commissioner notifies the employer to the contrary. For 9454
 purposes of division (D)(3) of this section, "compelling 9455
 circumstances" exist if either or both of the following are true: 9456

(a) Based upon annualization of payments made or required to 9457
 be made during the preceding calendar year and during the current 9458
 calendar year, the employer would be required for the next 9459
 calendar year to make payments under division (B)(2) of this 9460
 section. 9461

(b) Based upon annualization of payments made or required to 9462
 be made during the current calendar year, the employer would be 9463
 required for the next calendar year to make payments under 9464
 division (B)(2) of this section. 9465

~~(E)(1) An employer described in division (B)(1) or (2) of this section shall file, not later than the last day of the month following the end of each calendar quarter, a return covering, but not limited to, both the actual amount deducted and withheld and the amount required to be deducted and withheld for the tax imposed under section 5747.02 of the Revised Code during each partial weekly withholding period or portion of a partial weekly withholding period during that quarter. The employer shall file the quarterly return even if the aggregate amount required to be deducted and withheld for the quarter is zero dollars. At the time of filing the return, the employer shall pay any amounts of undeposited taxes for the quarter, whether actually deducted and withheld or required to be deducted and withheld, that have not been previously paid. If required under division (I) of this section, the payment shall be made by electronic funds transfer. The tax commissioner shall prescribe the form and other requirements of the quarterly return.~~

~~(2) In addition to other returns required to be filed and payments required to be made under this section, every employer required to deduct and withhold taxes shall file, not later than the thirty-first day of January of each year, an annual return covering, but not limited to, both the aggregate amount deducted and withheld and the aggregate amount required to be deducted and withheld during the entire preceding year for the tax imposed under section 5747.02 of the Revised Code and for each tax imposed under Chapter 5748. of the Revised Code. At the time of filing that return, the employer shall pay over any amounts of undeposited taxes for the preceding year, whether actually deducted and withheld or required to be deducted and withheld, that have not been previously paid. The employer shall make the annual report, to each employee and to the tax commissioner, of~~

the compensation paid and each tax withheld, as the commissioner 9497
by rule may prescribe. 9498

(2) Each employer required to deduct and withhold any tax is 9499
liable for the payment of that amount required to be deducted and 9500
withheld, whether or not the tax has in fact been withheld, unless 9501
the failure to withhold was based upon the employer's good faith 9502
in reliance upon the statement of the employee as to liability, 9503
and the amount shall be deemed to be a special fund in trust for 9504
the general revenue fund. 9505

(F) Each employer shall file with the employer's annual 9506
return the following items of information on employees for whom 9507
withholding is required under section 5747.06 of the Revised Code: 9508

(1) The full name of each employee, the employee's address, 9509
the employee's school district of residence, and in the case of a 9510
nonresident employee, the employee's principal county of 9511
employment; 9512

(2) The social security number of each employee; 9513

(3) The total amount of compensation paid before any 9514
deductions to each employee for the period for which the annual 9515
return is made; 9516

(4) The amount of the tax imposed by section 5747.02 of the 9517
Revised Code and the amount of each tax imposed under Chapter 9518
5748. of the Revised Code withheld from the compensation of the 9519
employee for the period for which the annual return is made. The 9520
commissioner may extend upon good cause the period for filing any 9521
notice or return required to be filed under this section and may 9522
adopt rules relating to extensions of time. If the extension 9523
results in an extension of time for the payment of the amounts 9524
withheld with respect to which the return is filed, the employer 9525
shall pay, at the time the amount withheld is paid, an amount of 9526

interest computed at the rate per annum prescribed by section 9527
5703.47 of the Revised Code on that amount withheld, from the day 9528
that amount was originally required to be paid to the day of 9529
actual payment or to the day an assessment is issued under section 9530
5747.13 of the Revised Code, whichever occurs first. 9531

(5) In addition to all other interest charges and penalties 9532
imposed, all amounts of taxes withheld or required to be withheld 9533
and remaining unpaid after the day the amounts are required to be 9534
paid shall bear interest from the date prescribed for payment at 9535
the rate per annum prescribed by section 5703.47 of the Revised 9536
Code on the amount unpaid, in addition to the amount withheld, 9537
until paid or until the day an assessment is issued under section 9538
5747.13 of the Revised Code, whichever occurs first. 9539

(G) An employee of a corporation, limited liability company, 9540
or business trust having control or supervision of or charged with 9541
the responsibility of filing the report and making payment, or an 9542
officer, member, manager, or trustee of a corporation, limited 9543
liability company, or business trust who is responsible for the 9544
execution of the corporation's, limited liability company's, or 9545
business trust's fiscal responsibilities, shall be personally 9546
liable for failure to file the report or pay the tax due as 9547
required by this section. The dissolution, termination, or 9548
bankruptcy of a corporation, limited liability company, or 9549
business trust does not discharge a responsible officer's, 9550
member's, manager's, employee's, or trustee's liability for a 9551
failure of the corporation, limited liability company, or business 9552
trust to file returns or pay tax due. 9553

(H) If an employer required to deduct and withhold income tax 9554
from compensation and to pay that tax to the state under sections 9555
5747.06 and 5747.07 of the Revised Code sells the employer's 9556

business or stock of merchandise or quits the employer's business, 9557
the taxes required to be deducted and withheld and paid to the 9558
state pursuant to those sections prior to that time, together with 9559
any interest and penalties imposed on those taxes, become due and 9560
payable immediately, and that person shall make a final return 9561
within fifteen days after the date of selling or quitting 9562
business. The employer's successor shall withhold a sufficient 9563
amount of the purchase money to cover the amount of the taxes, 9564
interest, and penalties due and unpaid, until the former owner 9565
produces a receipt from the tax commissioner showing that the 9566
taxes, interest, and penalties have been paid or a certificate 9567
indicating that no such taxes are due. If the purchaser of the 9568
business or stock of merchandise fails to withhold purchase money, 9569
the purchaser shall be personally liable for the payment of the 9570
taxes, interest, and penalties accrued and unpaid during the 9571
operation of the business by the former owner. If the amount of 9572
taxes, interest, and penalties outstanding at the time of the 9573
purchase exceeds the total purchase money, the tax commissioner in 9574
the commissioner's discretion may adjust the liability of the 9575
seller or the responsibility of the purchaser to pay that 9576
liability to maximize the collection of withholding tax revenue. 9577

(I) An employer whose actual or required payments under this 9578
section exceeded eighty-four thousand dollars during the 9579
twelve-month period ending on the thirtieth day of June of the 9580
preceding calendar year shall make all payments required by this 9581
section for the year ~~by electronic funds transfer~~ electronically 9582
under section 5747.072 of the Revised Code. 9583

(J)(1) Every professional employer organization, professional 9584
employer organization reporting entity, and alternate employer 9585
organization shall file a report with the tax commissioner within 9586
thirty days after commencing business in this state that includes 9587

all of the following information: 9588

(a) The name, address, number the employer receives from the 9589
 secretary of state to do business in this state, if applicable, 9590
 and federal employer identification number of each client employer 9591
 of the organization or entity; 9592

(b) The date that each client employer became a client of the 9593
 organization or entity; 9594

(c) The names and mailing addresses of the chief executive 9595
 officer and the chief financial officer of each client employer 9596
 for taxation of the client employer. 9597

(2) Beginning with the calendar quarter ending after a 9598
 professional employer organization, professional employer 9599
 organization reporting entity, or alternate employer organization 9600
 files the report required under division (J)(1) of this section, 9601
 and every calendar quarter thereafter, the organization or entity 9602
 shall file an updated report with the tax commissioner. The 9603
 organization or entity shall file the updated report not later 9604
 than the last day of the month following the end of the calendar 9605
 quarter and shall include all of the following information in the 9606
 report: 9607

(a) If an entity became a client employer of the professional 9608
 employer organization, professional employer organization 9609
 reporting entity, or alternate employer organization at any time 9610
 during the calendar quarter, all of the information required under 9611
 division (J)(1) of this section for each new client employer; 9612

(b) If an entity terminated the professional employer 9613
 organization agreement or the alternate employer organization 9614
 agreement between the entity and the professional employer 9615
 organization, professional employer organization reporting entity, 9616

or alternate employer organization, as applicable, at any time 9617
 during the calendar quarter, the information described in division 9618
 (J)(1)(a) of this section for that entity, the date during the 9619
 calendar quarter that the entity ceased being a client of the 9620
 organization or reporting entity, if applicable, or the date the 9621
 entity ceased business operations in this state, if applicable; 9622

(c) If the name or mailing address of the chief executive 9623
 officer or the chief financial officer of a client employer has 9624
 changed since the professional employer organization, professional 9625
 employer organization reporting entity, or alternate employer 9626
 organization previously submitted a report under division (J)(1) 9627
 or (2) of this section, the updated name or mailing address, or 9628
 both, of the chief executive officer or the chief financial 9629
 officer, as applicable; 9630

(d) If none of the events described in divisions (J)(2)(a) to 9631
 (c) of this section occurred during the calendar quarter, a 9632
 statement of that fact. 9633

Sec. 5747.072. (A) Any employer required by section 5747.07 9634
 of the Revised Code to remit undeposited taxes ~~by electronic funds~~ 9635
~~transfer~~ electronically shall do so ~~in the manner prescribed by~~ 9636
~~rules adopted by the treasurer of state under section 113.061 of~~ 9637
~~the Revised Code and~~ by using the Ohio business gateway, as 9638
defined in section 718.01 of the Revised Code, or another means of 9639
electronic payment on or before the dates specified under that 9640
~~division section~~. The tax commissioner shall notify each such 9641
 employer of the employer's obligation to remit undeposited taxes 9642
~~by electronic funds transfer, shall maintain an updated list of~~ 9643
~~those employers, and shall provide the list and any additions~~ 9644
~~thereto or deletions therefrom to the treasurer of state~~ 9645
electronically. Failure by the ~~tax~~ commissioner to notify an 9646

employer subject to this section to remit taxes ~~by electronic~~ 9647
~~funds transfer~~ electronically does not relieve the employer of its 9648
obligation to remit taxes ~~by electronic funds transfer~~ in that 9649
manner. 9650

~~Except as otherwise provided in this paragraph, the~~ The 9651
payment of taxes ~~by electronic funds transfer~~ electronically does 9652
not affect an employer's obligation to file the ~~quarterly return~~ 9653
~~as required under division (E)(1) of section 5747.07 of the~~ 9654
~~Revised Code or the annual return as required under divisions~~ 9655
~~(E)(2)(E) and (F) of that section~~ 5747.07 of the Revised Code. ~~If~~ 9656
~~the employer remits estimated tax payments in a manner, designated~~ 9657
~~by the treasurer of state, that permits the inclusion of all~~ 9658
~~information necessary for the treasurer of state to process the~~ 9659
~~tax payment, the employer need not file the return required under~~ 9660
~~division (B) of section 5747.07 of the Revised Code. The treasurer~~ 9661
~~of state, in consultation with the tax commissioner, may adopt~~ 9662
~~rules governing the format for filing the returns under section~~ 9663
~~5747.07 of the Revised Code by employers who remit undeposited~~ 9664
~~taxes by electronic funds transfer. The rules may permit the~~ 9665
~~filing of returns at less frequent intervals than required by that~~ 9666
~~division if the treasurer of state and the tax commissioner~~ 9667
~~determine that remittance by electronic funds transfer warrants~~ 9668
~~less frequent filing of returns.~~ 9669

An employer required by this section to remit taxes ~~by~~ 9670
~~electronic funds transfer~~ electronically may apply to the 9671
~~treasurer of state~~ commissioner to be excused from that 9672
requirement. The ~~treasurer of state~~ commissioner may excuse the 9673
employer from electronic remittance ~~by electronic funds transfer~~ 9674
for good cause shown for the period of time requested by the 9675
employer or a portion of that period. The ~~treasurer~~ commissioner 9676
shall notify the ~~tax commissioner and the employer of the~~ 9677

~~treasurer's~~ commissioner's decision as soon as is practicable. 9678

(B) If an employer required by this section to remit 9679
 undeposited taxes ~~by electronic funds transfer~~ electronically 9680
 remits those taxes by some other means ~~other than electronic funds~~ 9681
~~transfer as prescribed by the rules adopted by the treasurer of~~ 9682
~~state, and the treasurer~~ tax commissioner determines that such 9683
 failure was not due to reasonable cause or was due to willful 9684
 neglect, the ~~treasurer shall notify the tax commissioner of the~~ 9685
~~failure to remit by electronic funds transfer and shall provide~~ 9686
~~the commissioner with any information used in making that~~ 9687
~~determination. The tax~~ commissioner may collect an additional 9688
 charge by assessment in the manner prescribed by section 5747.13 9689
 of the Revised Code. The additional charge shall equal five per 9690
 cent of the amount of the undeposited taxes, but shall not exceed 9691
 five thousand dollars. Any additional charge assessed under this 9692
 section is in addition to any other penalty or charge imposed by 9693
 this chapter, and shall be considered as revenue arising from the 9694
 taxes imposed by this chapter. The ~~tax~~ commissioner may remit all 9695
 or a portion of such a charge and may adopt rules governing such 9696
 remission. 9697

No additional charge shall be assessed under this division 9698
 against an employer that has been notified of its obligation to 9699
 remit taxes electronically under this section and that remits its 9700
 first two tax payments after such notification by some other means 9701
~~other than electronic funds transfer~~. The additional charge may be 9702
 assessed upon the remittance of any subsequent tax payment that 9703
 the employer remits by some means other than ~~electronic funds~~ 9704
~~transfer~~ electronically. 9705

Sec. 5747.42. (A) In addition to the other returns required 9706
 to be filed and other remittances required to be made pursuant to 9707

this chapter, every qualifying entity or electing pass-through 9708
entity that is subject to the tax imposed by section 5733.41, 9709
5747.38, or 5747.41 of the Revised Code shall file an annual 9710
return as follows: 9711

(1) For a qualifying entity, on or before the fifteenth day 9712
of the fourth month following the end of the entity's qualifying 9713
taxable year; 9714

(2) For an electing pass-through entity, on or before the 9715
fifteenth day of April following the end of the entity's taxable 9716
year that ends in the preceding calendar year. 9717

Each entity shall also remit to the tax commissioner, with 9718
the remittance made payable to the treasurer of state, the amount 9719
of the taxes shown to be due on the return, less the amount paid 9720
for the taxable year on a declaration of estimated tax report 9721
filed by the taxpayer as provided by section 5747.43 of the 9722
Revised Code. Remittance shall be made in the form prescribed by 9723
the tax commissioner, including ~~electronic funds transfer~~ 9724
electronically if required by section 5747.44 of the Revised Code. 9725

A domestic qualifying entity shall not dissolve, and a 9726
foreign qualifying entity shall not withdraw or retire from 9727
business in this state, without filing the tax returns and paying 9728
the taxes charged for the year in which such dissolution or 9729
withdrawal occurs. 9730

(B) The tax commissioner shall furnish qualifying entities or 9731
electing pass-through entities, upon request, copies of the forms 9732
prescribed by the commissioner for the purpose of making the 9733
returns required by sections 5747.42 to 5747.453 of the Revised 9734
Code. 9735

(C) The annual return required by this section shall be 9736

signed by the applicable entity's trustee or other fiduciary, or
president, vice-president, secretary, treasurer, general manager,
general partner, superintendent, or managing agent in this state.
The annual return shall contain the facts, figures, computations,
and attachments that result in the tax charged by section 5733.41,
5747.38, or 5747.41 of the Revised Code. Each entity also shall
file with its annual return all of the following:

(1) In the case of the tax charged by section 5733.41 or
5747.41 of the Revised Code, the full name and address of each
qualifying investor or qualifying beneficiary unless the
qualifying entity submits such information in accordance with
division (D) of this section;

(2) In the case of the tax charged by section 5733.41 or
5747.41 of the Revised Code, the social security number, federal
employer identification number, or other identifying number of
each qualifying investor or qualifying beneficiary, unless the
taxpayer submits that information in accordance with division (D)
of this section;

(3) In the case of the tax charged by section 5747.38 of the
Revised Code, the full name and address and the social security
number, federal employer identification number, or other
identifying number of each owner of the electing pass-through
entity, unless the entity submits such information in accordance
with division (D) of this section;

(4) The amount of tax imposed by sections 5733.41 and 5747.41
or by section 5747.38 of the Revised Code, and the amount of the
tax paid by the entity, for the applicable taxable year covered by
the annual return;

(5) The amount of tax imposed by sections 5733.41 and 5747.41
or by section 5747.38 of the Revised Code that is attributable to

each qualifying investor, qualifying beneficiary, or owner, as 9767
 applicable, unless the entity submits this information in 9768
 accordance with division (D) of this section. 9769

(D) On the date the annual return is due, including 9770
 extensions of time, if any, the applicable entity may be required 9771
 by rule to transmit electronically or by magnetic media the 9772
 information set forth in division (C) of this section. The tax 9773
 commissioner may adopt rules governing the format for the 9774
 transmission of such information. The tax commissioner may exempt 9775
 an entity or a class of entities from the requirements imposed by 9776
 this division. 9777

(E) Upon good cause shown, the tax commissioner may extend 9778
 the period for filing any return required to be filed under this 9779
 section or section 5747.43 or 5747.44 of the Revised Code and for 9780
 transmitting any information required to be transmitted under 9781
 those sections. The tax commissioner may adopt rules relating to 9782
 extensions of time to file and to transmit. At the time an entity 9783
 pays any tax imposed under section 5733.41, 5747.38, or 5747.41 of 9784
 the Revised Code or estimated tax as required under section 9785
 5747.43 of the Revised Code, the entity also shall pay interest 9786
 computed at the rate per annum prescribed by section 5703.47 of 9787
 the Revised Code on that tax or estimated tax, from the time the 9788
 tax or estimated tax originally was required to be paid, without 9789
 consideration of any filing extensions, to the time of actual 9790
 payment. Nothing in this division shall be construed to abate, 9791
 modify, or limit the imposition of any penalties imposed for the 9792
 failure to timely pay taxes under this chapter or Chapter 5733. of 9793
 the Revised Code without consideration of any filing extensions. 9794

Sec. 5747.44. (A) If a qualifying entity's or an electing 9795
 pass-through entity's total liability for taxes imposed under 9796

sections 5733.41 and 5747.41 or under section 5747.38 of the 9797
Revised Code exceeds one hundred eighty thousand dollars for the 9798
second preceding taxable year or qualifying taxable year, as 9799
applicable, the entity shall make all payments required under 9800
sections 5747.42 and 5747.43 or under section 5747.38 of the 9801
Revised Code ~~by electronic funds transfer as~~ electronically in the 9802
manner prescribed by ~~this section and rules adopted by the~~ 9803
~~treasurer of state under section 113.061 of the Revised Code~~ the 9804
tax commissioner. 9805

The tax commissioner shall notify each qualifying entity and 9806
electing pass-through entity required to remit taxes ~~by electronic~~ 9807
~~funds transfer~~ electronically of the entity's obligation to do so, 9808
~~shall maintain an updated list of those entities, and shall~~ 9809
~~provide the list and any additions thereto or deletions therefrom~~ 9810
~~to the treasurer of state.~~ Failure by the ~~tax~~ commissioner to 9811
notify an entity subject to this section to remit taxes ~~by~~ 9812
~~electronic funds transfer~~ electronically does not relieve the 9813
entity of its obligation to remit taxes ~~by electronic funds~~ 9814
~~transfer~~ in that manner. 9815

(B) Except as otherwise provided in this division, the 9816
payment of taxes ~~by electronic funds transfer~~ electronically does 9817
not affect a qualifying entity's or an electing pass-through 9818
entity's obligation to file the returns required under sections 9819
5747.42 and 5747.43 of the Revised Code. ~~The treasurer of state,~~ 9820
~~in consultation with the tax commissioner, may adopt rules in~~ 9821
~~addition to the rules adopted under section 113.061 of the Revised~~ 9822
~~Code governing the format for filing returns by qualifying~~ 9823
~~entities and electing pass-through entities that remit taxes by~~ 9824
~~electronic funds transfer. The rules may provide for the filing of~~ 9825
~~returns at less frequent intervals than otherwise required if the~~ 9826

~~treasurer of state and the tax commissioner determine that~~ 9827
~~remittance by electronic funds transfer warrants less frequent~~ 9828
~~filing of returns.~~ 9829

(C) A qualifying entity or an electing pass-through entity 9830
 required by this section to remit taxes ~~by electronic funds~~ 9831
~~transfer~~ electronically may apply to the ~~treasurer of state tax~~ 9832
~~commissioner~~ in the manner prescribed by the ~~treasurer of state~~ 9833
~~commissioner~~ to be excused from that requirement. The ~~treasurer of~~ 9834
~~state commissioner~~ may excuse the entity from electronic 9835
~~remittance by electronic funds transfer~~ for good cause shown for 9836
 the period of time requested by the entity or for a portion of 9837
 that period. The ~~treasurer of state commissioner~~ shall notify the 9838
~~tax commissioner and the entity of the treasurer of state's~~ 9839
~~commissioner's~~ decision as soon as is practicable. 9840

(D) If a qualifying entity or an electing pass-through entity 9841
 required by this section to remit taxes ~~by electronic funds~~ 9842
~~transfer~~ electronically remits those taxes by some means other 9843
 than ~~by electronic funds transfer~~ electronically as prescribed by 9844
 this section ~~and the rules adopted by the treasurer of state, and~~ 9845
 the ~~treasurer of state tax commissioner~~ determines that such 9846
 failure was not due to reasonable cause or was due to willful 9847
 neglect, the ~~treasurer of state shall notify the tax commissioner~~ 9848
~~of the failure to remit by electronic funds transfer and shall~~ 9849
~~provide the commissioner with any information used in making that~~ 9850
~~determination. The tax commissioner may collect an additional~~ 9851
 charge by assessment in the manner prescribed by section 5747.13 9852
 of the Revised Code. The additional charge shall equal five per 9853
 cent of the amount of the taxes required to be paid ~~by electronic~~ 9854
~~funds transfer~~ electronically, but shall not exceed five thousand 9855
 dollars. Any additional charge assessed under this section is in 9856
 addition to any other penalty or charge imposed under this chapter 9857

or Chapter 5733. of the Revised Code, and shall be considered as 9858
 revenue arising from the taxes imposed under sections 5733.41 and 9859
 5747.41 or under section 5747.38 of the Revised Code. The ~~tax~~ 9860
 commissioner may remit all or a portion of such a charge and may 9861
 adopt rules governing such remission. 9862

No additional charge shall be assessed under this division 9863
 against a qualifying entity or an electing pass-through entity 9864
 that has been notified of its obligation to remit taxes 9865
electronically under this section and that remits its first two 9866
 tax payments after such notification by some other means ~~other~~ 9867
~~than electronic funds transfer~~. The additional charge may be 9868
 assessed upon the remittance of any subsequent tax payment that 9869
 the entity remits by some means other than ~~electronic funds~~ 9870
~~transfer~~ electronically. 9871

Sec. 5747.451. (A) The mere retirement from business or 9872
 voluntary dissolution of a domestic or foreign qualifying entity 9873
 or electing pass-through entity does not exempt it from the 9874
 requirements to make reports as required under sections 5747.42 to 9875
 5747.44 or to pay the taxes imposed under section 5733.41, 9876
 5747.38, or 5747.41 of the Revised Code. If any qualifying entity 9877
 or electing pass-through entity subject to the taxes imposed under 9878
 section 5733.41, 5747.38, or 5747.41 of the Revised Code sells its 9879
 business or stock of merchandise or quits its business, the taxes 9880
 required to be paid prior to that time, together with any interest 9881
 or penalty thereon, become due and payable immediately, and the 9882
 entity shall make a final return within fifteen days after the 9883
 date of selling or quitting business. The successor of the 9884
 qualifying entity or electing pass-through entity shall withhold a 9885
 sufficient amount of the purchase money to cover the amount of 9886
 such taxes, interest, and penalties due and unpaid until the 9887

entity produces a receipt from the tax commissioner showing that 9888
the taxes, interest, and penalties have been paid, or a 9889
certificate indicating that no taxes are due. If the purchaser of 9890
the business or stock of goods fails to withhold purchase money, 9891
the purchaser is personally liable for the payment of the taxes, 9892
interest, and penalties accrued and unpaid during the operation of 9893
the business by the entity. If the amount of those taxes, 9894
interest, and penalty unpaid at the time of the purchase exceeds 9895
the total purchase money, the tax commissioner may adjust the 9896
entity's liability for those taxes, interest, and penalty, or 9897
adjust the responsibility of the purchaser to pay that liability, 9898
in a manner calculated to maximize the collection of those 9899
liabilities. 9900

(B) Annually, on the last day of each qualifying taxable year 9901
of a qualifying entity or taxable year of an electing pass-through 9902
entity, the taxes imposed under section 5733.41, 5747.38, or 9903
5747.41 of the Revised Code, together with any penalties 9904
subsequently accruing thereon, become a lien on all property in 9905
this state of the entity, whether such property is employed by the 9906
entity in the prosecution of its business or is in the hands of an 9907
assignee, trustee, or receiver for the benefit of the entity's 9908
creditors and investors. The lien shall continue until those 9909
taxes, together with any penalties subsequently accruing, are 9910
paid. 9911

Upon failure of such a qualifying entity or an electing 9912
pass-through entity to pay those taxes on the day fixed for 9913
payment, ~~the treasurer of state shall thereupon notify the tax~~ 9914
~~commissioner, and the tax~~ commissioner may file, in the office of 9915
the county recorder in each county in this state in which the 9916
entity owns or has a beneficial interest in real estate, notice of 9917

the lien containing a brief description of such real estate. No 9918
fee shall be charged for such a filing. The lien is not valid as 9919
against any mortgagee, purchaser, or judgment creditor whose 9920
rights have attached prior to the time the notice is so filed in 9921
the county in which the real estate which is the subject of such 9922
mortgage, purchase, or judgment lien is located. The notice shall 9923
be recorded in the official records kept by the county recorder 9924
and indexed under the name of the entity charged with the tax. 9925
When the tax, together with any penalties subsequently accruing 9926
thereon, have been paid, the tax commissioner shall furnish to the 9927
entity an acknowledgment of such payment that the entity may 9928
record with the county recorder of each county in which notice of 9929
such lien has been filed, for which recording the county recorder 9930
shall charge and receive a fee of two dollars. 9931

(C) In addition to all other remedies for the collection of 9932
any taxes or penalties due under law, whenever any taxes, 9933
interest, or penalties due from any qualifying entity or electing 9934
pass-through entity under section 5733.41 of the Revised Code or 9935
this chapter have remained unpaid for a period of ninety days, or 9936
whenever any qualifying entity or electing pass-through entity has 9937
failed for a period of ninety days to make any report or return 9938
required by law, or to pay any penalty for failure to make or file 9939
such report or return, the attorney general, upon the request of 9940
the tax commissioner, shall file a petition in the court of common 9941
pleas in the county of the state in which such entity has its 9942
principal place of business for a judgment for the amount of the 9943
taxes, interest, or penalties appearing to be due, the enforcement 9944
of any lien in favor of the state, and an injunction to restrain 9945
such entity and its officers, directors, and managing agents from 9946
the transaction of any business within this state, other than such 9947
acts as are incidental to liquidation or winding up, until the 9948

payment of such taxes, interest, and penalties, and the costs of 9949
the proceeding fixed by the court, or the making and filing of 9950
such report or return. 9951

The petition shall be in the name of the state. Any of the 9952
qualifying entities or electing pass-through entities having its 9953
principal places of business in the county may be joined in one 9954
suit. On the motion of the attorney general, the court of common 9955
pleas shall enter an order requiring all defendants to answer by a 9956
day certain, and may appoint a special master commissioner to take 9957
testimony, with such other power and authority as the court 9958
confers, and permitting process to be served by registered mail 9959
and by publication in a newspaper of general circulation in the 9960
county, which publication need not be made more than once, setting 9961
forth the name of each delinquent entity, the matter in which the 9962
entity is delinquent, the names of its officers, directors, and 9963
managing agents, if set forth in the petition, and the amount of 9964
any taxes, fees, or penalties claimed to be owing by the entity. 9965

All or any of the trustees or other fiduciaries, officers, 9966
directors, investors, beneficiaries, or managing agents of any 9967
qualifying entity or electing pass-through entity may be joined as 9968
defendants with such entity. 9969

If it appears to the court upon hearing that any qualifying 9970
entity or electing pass-through entity that is a party to the 9971
proceeding is indebted to the state for taxes imposed under 9972
section 5733.41, 5747.38, or 5747.41 of the Revised Code, or 9973
interest or penalties thereon, judgment shall be entered therefor 9974
with interest; and if it appears that any qualifying entity or 9975
electing pass-through entity has failed to make or file any report 9976
or return, a mandatory injunction may be issued against the 9977
entity, its trustees or other fiduciaries, officers, directors, 9978

and managing agents, enjoining them from the transaction of any 9979
business within this state, other than acts incidental to 9980
liquidation or winding up, until the making and filing of all 9981
proper reports or returns and until the payment in full of all 9982
taxes, interest, and penalties. 9983

If the trustees or other fiduciaries, officers, directors, 9984
investors, beneficiaries, or managing agents of a qualifying 9985
entity or an electing pass-through entity are not made parties in 9986
the first instance, and a judgment or an injunction is rendered or 9987
issued against the entity, those officers, directors, investors, 9988
or managing agents may be made parties to such proceedings upon 9989
the motion of the attorney general, and, upon notice to them of 9990
the form and terms of such injunction, they shall be bound thereby 9991
as fully as if they had been made parties in the first instance. 9992

In any action authorized by this division, a statement of the 9993
tax commissioner, or the secretary of state, when duly certified, 9994
shall be prima-facie evidence of the amount of taxes, interest, or 9995
penalties due from any qualifying entity or electing pass-through 9996
entity, or of the failure of any such entity to file with the 9997
commissioner or the secretary of state any report required by law, 9998
and any such certificate of the commissioner or the secretary of 9999
state may be required in evidence in any such proceeding. 10000

On the application of any defendant and for good cause shown, 10001
the court may order a separate hearing of the issues as to any 10002
defendant. 10003

The costs of the proceeding shall be apportioned among the 10004
parties as the court deems proper. 10005

The court in such proceeding may make, enter, and enforce 10006
such other judgments and orders and grant such other relief as is 10007
necessary or incidental to the enforcement of the claims and lien 10008

of the state. 10009

In the performance of the duties enjoined upon the attorney 10010
 general by this division, the attorney general may direct any 10011
 prosecuting attorney to bring an action, as authorized by this 10012
 division, in the name of the state with respect to any delinquent 10013
 qualifying entities or delinquent electing pass-through entities 10014
 within the prosecuting attorney's county, and like proceedings and 10015
 orders shall be had as if such action were instituted by the 10016
 attorney general. 10017

(D) If any qualifying entity or electing pass-through entity 10018
 fails to make and file the reports or returns required under this 10019
 chapter, or to pay the penalties provided by law for failure to 10020
 make and file such reports or returns for a period of ninety days 10021
 after the time prescribed by this chapter, the attorney general, 10022
 on the request of the tax commissioner, shall commence an action 10023
 in quo warranto in the court of appeals of the county in which 10024
 that entity has its principal place of business to forfeit and 10025
 annul its privileges and franchises. If the court is satisfied 10026
 that any such entity is in default, it shall render judgment 10027
 ousting such entity from the exercise of its privileges and 10028
 franchises within this state, and shall otherwise proceed as 10029
 provided in sections 2733.02 to 2733.39 of the Revised Code. 10030

Sec. 5815.26. (A) As used in this section: 10031

(1) "Fiduciary" means a trustee under any testamentary, inter 10032
 vivos, or other trust, an executor or administrator, or any other 10033
 person who is acting in a fiduciary capacity for a person, trust, 10034
 or estate. 10035

(2) "Short term trust-quality investment fund" means a short 10036
 term investment fund that meets both of the following conditions: 10037

(a) The fund may be either a collective investment fund	10038
established pursuant to section 1111.14 of the Revised Code or a	10039
registered investment company, including any affiliated investment	10040
company whether or not the fiduciary has invested other funds held	10041
by it in an agency or other nonfiduciary capacity in the	10042
securities of the same registered investment company or affiliated	10043
investment company.	10044
(b) The fund is invested in any one or more of the following	10045
manners:	10046
(i) In obligations of the United States or of its agencies;	10047
(ii) In obligations of one or more of the states of the	10048
United States or their political subdivisions;	10049
(iii) In variable demand notes, corporate money market	10050
instruments including, but not limited to, commercial paper rated	10051
at the time of purchase in either of the two highest	10052
classifications established by at least one nationally recognized	10053
standard <u>statistical</u> rating service <u>organization</u> ;	10054
(iv) In deposits in banks or savings and loan associations	10055
whose deposits are insured by the federal deposit insurance	10056
corporation, if the rate of interest paid on such deposits is at	10057
least equal to the rate of interest generally paid by such banks	10058
or savings and loan associations on deposits of similar terms or	10059
amounts;	10060
(v) In fully collateralized repurchase agreements or other	10061
evidences of indebtedness that are of trust quality and are	10062
payable on demand or have a maturity date consistent with the	10063
purpose of the fund and the duty of fiduciary prudence.	10064
(3) "Registered investment company" means any investment	10065
company that is defined in and registered under sections 3 and 8	10066

of the "Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C.A. 10067
80a-3 and 80a-8. 10068

(4) "Affiliated investment company" has the same meaning as 10069
in division (E)(1) of section 1111.10 of the Revised Code. 10070

(B) A fiduciary is not required to invest cash that belongs 10071
to the trust and may hold that cash for the period prior to 10072
distribution if either of the following applies: 10073

(1) The fiduciary reasonably expects to do either of the 10074
following: 10075

(a) Distribute the cash to beneficiaries of the trust on a 10076
quarterly or more frequent basis; 10077

(b) Use the cash for the payment of debts, taxes, or expenses 10078
of administration within the ninety-day period following the 10079
receipt of the cash by the fiduciary. 10080

(2) Determined on the basis of the facilities available to 10081
the fiduciary and the amount of the income that reasonably could 10082
be earned by the investment of the cash, the amount of the cash 10083
does not justify the administrative burden or expense associated 10084
with its investment. 10085

(C) If a fiduciary wishes to hold funds that belong to the 10086
trust in liquid form and division (B) of this section does not 10087
apply, the fiduciary may so hold the funds as long as they are 10088
temporarily invested as described in division (D) of this section. 10089

(D)(1) A fiduciary may make a temporary investment of cash 10090
that may be held uninvested in accordance with division (B) of 10091
this section, and shall make a temporary investment of funds held 10092
in liquid form pursuant to division (C) of this section, in any of 10093
the following investments, unless the governing instrument 10094
provides for other investments in which the temporary investment 10095

of cash or funds is permitted:	10096
(a) A short term trust-quality investment fund;	10097
(b) Direct obligations of the United States or of its agencies;	10098 10099
(c) A deposit with a bank or savings and loan association, including a deposit with the fiduciary itself or any bank subsidiary corporation owned or controlled by the bank holding company that owns or controls the fiduciary, whose deposits are insured by the federal deposit insurance corporation, if the rate of interest paid on that deposit is at least equal to the rate of interest generally paid by that bank or savings and loan association on deposits of similar terms or amounts.	10100 10101 10102 10103 10104 10105 10106 10107
(2) A fiduciary that makes a temporary investment of cash or funds pursuant to division (D)(1) of this section may charge a reasonable fee for the services associated with that investment. The fee shall be in addition to the compensation to which the fiduciary is entitled for his ordinary fiduciary services.	10108 10109 10110 10111 10112
(3) Fiduciaries that make one or more temporary investments of cash or funds pursuant to division (D)(1) of this section shall provide to the beneficiaries of the trusts involved, that are currently receiving income or have a right to receive income, a written disclosure of their temporary investment practices and, if applicable, the method of computing reasonable fees for their temporary investment services pursuant to division (D)(2) of this section. Fiduciaries may comply with this requirement in any appropriate written document, including, but not limited to, any periodic statement or account.	10113 10114 10115 10116 10117 10118 10119 10120 10121 10122
(4) A fiduciary that makes a temporary investment of cash or funds in an affiliated investment company pursuant to division	10123 10124

(D)(1)(a) of this section shall, when providing any periodic
 account statements of its temporary investment practices, report
 the net asset value of the shares comprising the investment in the
 affiliated investment company.

(5) If a fiduciary that makes a temporary investment of cash
 or funds in an affiliated investment company pursuant to division
 (D)(1)(a) of this section invests in any mutual fund, the
 fiduciary shall provide to the beneficiaries of the trust
 involved, that are currently receiving income or have a right to
 receive income, a written disclosure, in at least ten-point
 boldface type, that the mutual fund is not insured or guaranteed
 by the federal deposit insurance corporation or by any other
 government agency or government-sponsored agency of the federal
 government or of this state.

Sec. 5815.37. (A) If any interest in real property held by
 any trustee of an express trust that is wholly or partially
 governed by a law of this state or any interest in real property
 located in this state that is held by the trustee of a trust
 wholly governed by the law of one or more jurisdictions other than
 this state is temporarily conveyed to any beneficiary of that
 trust and reconveyed back to any trustee of that trust, the
 interest in the real property shall be subject to divisions (B)
 and (C) of this section if all of the following apply:

(1) That temporary conveyance is for the principal purpose of
 enabling some or all of that interest in the real property to be
 used as collateral in a loan transaction.

(2) The loan proceeds will be delivered to the trustee of the
 trust or will otherwise be principally used for the benefit of one
 or more beneficiaries of the trust.

(3) The interest in the real property is reconveyed back to one or more trustees of the trust within a reasonable time after the reconveying beneficiary acquired actual notice that the lender has perfected the lender's collateral rights in and to the interest in the real property.

(4) The lender in question is any of the following:

(a) A bank, thrift, savings bank, savings and loan association, credit union, or any other similar financial institution if the activities of the other similar financial institution are subject to supervision by the Ohio superintendent of financial institutions, the federal deposit insurance corporation, the comptroller of the currency, ~~the office of thrift supervision,~~ any other comparable state or federal regulatory agency or entity, or a successor of any of them;

(b) An insurance company subject to supervision by the Ohio department of insurance or any comparable agency established by the law of any other jurisdiction;

(c) Any other corporation, limited liability company, partnership, or other similar or comparable entity the routine and regular business activities of which commonly include the making of commercial or residential loans that are wholly or partially secured by real property.

(B) If a temporary conveyance and reconveyance of an interest in real property is made for the principal purpose of allowing a lender to acquire, perfect, foreclose on, or exercise collateral rights in and to the real property interest in question, the temporary conveyance to a beneficiary shall be disregarded for all other purposes, and the reconveyance back to a trustee shall relate back to the date immediately preceding that reconveyance on which the interest in the real property was transferred to any

trustee of the trust in a transaction other than a loan	10184
transaction described in division (A)(1) of this section.	10185
(C) In connection with any temporary conveyance and reconveyance of an interest in real property pursuant to division (A) of this section, the following shall survive unimpaired after any reconveyance back to a trustee made pursuant to division (A)(3) of this section:	10186
(1) The rights, duties, and obligations of a lender under the documents governing the loan transaction, including, but not limited to, any of the following to the extent they are provided for in those documents:	10187
(a) A lender's collateral rights in and to any interest in real property that is reconveyed to a trustee;	10188
(b) The lender's rights under any mortgage, deed of trust, lien, encumbrance, or any other similar or comparable instrument or arrangement used to give the lender collateral rights in and to the interest being reconveyed, including, but not limited to, a lender's right to foreclose on that interest in real property;	10189
(c) The lender's obligations to make loans or advances or to provide any person with any notice called for by the documents governing the loan transaction.	10190
(2) The rights, duties, and obligations of any debtor under any documents governing the loan transaction, including, but not limited to, the following to the extent they are provided for in those documents:	10191
(a) The duty to repay the lender or any other person who is entitled to receive payments under the documents governing the loan transaction;	10192
(b) The duty to honor any agreements or covenants made by the	10193
	10194
	10195
	10196
	10197
	10198
	10199
	10200
	10201
	10202
	10203
	10204
	10205
	10206
	10207
	10208
	10209
	10210
	10211
	10212

debtor in the documents governing the loan transaction; 10213

(c) The right to receive any advances, loans, notices, or 10214
other benefits called for by the documents governing the loan 10215
transaction. 10216

(D) The following apply for purposes of division (A)(1) of 10217
this section: 10218

(1) A court shall liberally construe the temporary conveyance 10219
to a beneficiary of the trust in question in determining whether 10220
the principal purpose of the temporary conveyance is to enable 10221
some or all of the interest in the real property to be used as 10222
collateral in a loan transaction. 10223

(2) An interest in real property shall be considered to be 10224
used as collateral if, as part of a lending transaction, that 10225
interest is wholly or partially made subject to a mortgage, deed 10226
of trust, lien, encumbrance, or any other similar or comparable 10227
instrument or arrangement used to give the lender collateral 10228
rights in and to that interest. 10229

(E) A court shall liberally construe division (A)(2) of this 10230
section in determining whether the loan proceeds referred to in 10231
that division will be principally used for the benefit of one or 10232
more beneficiaries of the trust in question. 10233

(F) For purposes of division (A)(3) of this section, any 10234
reconveyance to a trustee shall be considered to have occurred 10235
within a reasonable time if it is made within one hundred twenty 10236
days of the date on which the reconveying beneficiary acquired 10237
actual notice that the lender has perfected the lender's 10238
collateral rights in and to the interest in the real property. In 10239
all other cases, a court shall consider all relevant facts and 10240
circumstances in determining whether a beneficiary has reconveyed 10241

the interest in the real property back to a trustee within a 10242
reasonable time after the reconveying beneficiary acquired that 10243
actual notice. 10244

(G)(1) A court shall liberally construe division (A)(4) of 10245
this section in determining whether a corporation, limited 10246
liability company, partnership, or other similar or comparable 10247
entity qualifies as a lender within the meaning of that division. 10248

(2) Subject to the rule of liberal interpretation set forth 10249
in division (G)(1) of this section, the Ohio superintendent of 10250
financial institutions may from time to time issue regulations 10251
setting forth a nonexhaustive list of entities that qualify as a 10252
lender within the meaning of division (A)(4) of this section and 10253
also may from time to time issue regulations setting forth 10254
specific entities or classes of entities that do not qualify as a 10255
lender within the meaning of that division. 10256

(H) An interest in real property may be subject to or 10257
involved in more than one loan transaction undertaken pursuant to 10258
this section. 10259

Section 130.____. That existing sections 113.05, 113.11, 10260
113.12, 113.40, 125.30, 126.06, 127.14, 129.06, 129.09, 131.01, 10261
135.01, 135.02, 135.04, 135.05, 135.06, 135.08, 135.10, 135.12, 10262
135.14, 135.142, 135.143, 135.15, 135.182, 135.31, 135.35, 135.45, 10263
135.46, 135.47, 718.01, 1111.04, 1112.12, 1315.54, 1345.01, 10264
1501.10, 1503.05, 1509.07, 1509.225, 1514.04, 1514.05, 1521.061, 10265
1548.06, 1733.04, 1733.24, 1735.03, 2109.37, 2109.372, 2109.44, 10266
3314.50, 3366.05, 3737.945, 3903.73, 3905.32, 3916.01, 3925.26, 10267
4141.241, 4505.06, 4509.62, 4509.63, 4509.65, 4509.67, 4710.03, 10268
4749.01, 4763.13, 5725.17, 5725.22, 5727.25, 5727.31, 5727.311, 10269
5727.42, 5727.47, 5727.53, 5727.81, 5727.811, 5727.82, 5727.83, 10270

5733.022, 5735.03, 5735.062, 5739.031, 5739.032, 5739.07, 5743.05, 10271
 5743.051, 5743.15, 5745.03, 5745.04, 5745.041, 5747.059, 5747.07, 10272
 5747.072, 5747.42, 5747.44, 5747.451, 5815.26, and 5815.37 of the 10273
 Revised Code are hereby repealed. 10274

Section 130.____. That sections 113.061, 113.07, 129.02, 10275
 129.03, 129.08, 129.10, 129.11, 129.12, 129.13, 129.14, 129.15, 10276
 129.16, 129.18, 129.19, 129.20, 129.72, 129.73, 129.74, 129.75, 10277
 129.76, 135.101, 135.102, 135.103, 135.104, 135.105, 135.106, 10278
 135.61, 135.62, 135.63, 135.64, 135.65, 135.66, 135.67, 135.68, 10279
 135.69, 135.70, 135.71, 135.72, 135.73, 135.74, 135.75, 135.76, 10280
 135.77, 135.771, 135.772, 135.773, 135.774, 135.78, 135.79, 10281
 135.791, 135.792, 135.793, 135.794, 135.795, 135.796, 135.81, 10282
 135.82, 135.83, 135.84, 135.85, 135.86, 135.87, 135.91, 135.92, 10283
 135.93, 135.94, 135.95, 135.96, 135.97, 144.01, 144.02, 144.03, 10284
 144.04, 144.05, 144.06, and 144.07 of the Revised Code are hereby 10285
 repealed. 10286

Section 130.____. Notwithstanding any other provision of the 10287
 Revised Code to the contrary, the public depositories designated 10288
 and awarded the public moneys of the state under division (A) of 10289
 section 135.12 of the Revised Code for the period commencing on or 10290
 around July 4, 2022, shall be the designated public depositories 10291
 for a total of three years commencing from that applicable date. 10292

Section 130.____. Notwithstanding section 5743.15 of the 10293
 Revised Code, any license issued under division (B), (C), or (F) 10294
 of that section that is active on the effective date of the 10295
 amendment by this act of that section remains valid until June 1, 10296
 2024, rather than May 27, 2024. 10297

Section 130.____. The amendment by this act of division (E) of 10298

section 5747.07 of the Revised Code applies to filings and 10299
 payments due on or after January 1, 2024. 10300

Section 130.____. The General Assembly, applying the principle 10301
 stated in division (B) of section 1.52 of the Revised Code that 10302
 amendments are to be harmonized if reasonably capable of 10303
 simultaneous operation, finds that the following sections, 10304
 presented in this act as composites of the sections as amended by 10305
 the acts indicated, are the resulting versions of the sections in 10306
 effect prior to the effective date of the sections as presented in 10307
 this act: 10308

Section 135.142 of the Revised Code as amended by both H.B. 10309
 197 and S.B. 276 of the 133rd General Assembly. 10310

Section 718.01 of the Revised Code as amended by both H.B. 10311
 228 and S.B. 217 of the 134th General Assembly and both H.B. 197 10312
 and S.B. 276 of the 133rd General Assembly." 10313

The motion was _____ agreed to.

SYNOPSIS

Authority of the Treasurer of State 10314

Sections 130.____ to 130.____ 10315

Specifies that custodial funds do not include items held in 10316
 safekeeping by the Treasurer of State, including collateral 10317
 pledged to a state agency. 10318

Allows payment out of custodial funds upon any proper order 10319
 of the officer authorized to make such a payment, regardless of 10320
 whether that order is directed to the Treasurer. 10321

Provides that the term "warrant" includes an order drawn upon the Treasurer by an authorized person at a state entity holding a custodial account.

Clarifies that warrants may have multiple payees and may be paid through a variety of instruments, including commercial paper, stored value cards, direct deposit, and drawdown by electronic benefit transfer.

Requires the Treasurer to provide the Director of Budget and Management ("OBM Director") electronic records of all paid warrants on a daily basis, rather than monthly, and eliminates a requirement that the OBM Director provide the Treasurer with paper receipts.

Creates the Treasurer's Information Technology Reserve Fund, consisting of unexpended amounts transferred from the Securities Lending Program Fund and an account used to service federal student loans, for the purpose of acquiring or maintaining hardware, software, or contract services for the Treasurer's office.

Requires bid requests for contracts with financial institutions relating to financial transaction devices to be published on a state agency website instead of a newspaper.

Authorizes the State Board of Deposit to contract with other financial institutions, in addition to the winning bidders, if such contracts are in the best interest of the state.

Repeals authorization for the Treasurer to contract with financial institutions for the collection of taxes and fees at a P.O. Box.

Uniform Depository Act

Changes the timeline and method of when and how the Treasurer

must notify the Board of Deposit about the classification of	10351
interim moneys.	10352
Modifies the classification of state moneys for purposes of	10353
deposits with public depositories and investments.	10354
Modifies eligibility of financial institutions to hold	10355
warrant clearance accounts with active deposits (i.e., public	10356
funds needed to meet current demands), as well as corresponding	10357
reporting requirements.	10358
Expands the purposes of warrant clearance accounts to include	10359
funding electronic benefit transfer cards, issuing stored value	10360
cards (i.e., prepaid cards), or otherwise facilitating the	10361
settlement of state obligations.	10362
Modifies the timeline and processes for designating public	10363
depositories of state funds but largely retains existing law as it	10364
pertains to designating public depositories for the funds of local	10365
governments, school districts, and other subdivisions.	10366
Expands the ways in which the Treasurer may invest interim	10367
moneys.	10368
Allows the Treasurer, rather than the State Board of Deposit,	10369
to select which interim investments or negotiated deposits are to	10370
be sold or redeemed when the amount of active deposits is	10371
insufficient to meet anticipated demands.	10372
Excludes moneys of metropolitan housing authorities from the	10373
Ohio Pooled Collateral Program.	10374
Authorizes the Petroleum Underground Storage Tank Release	10375
Compensation Board to allow the Treasurer to invest surplus funds.	10376
Social Security	10377
Repeals the ability for certain county-related corporations	10378

or cities to opt into Social Security and the Treasurer's	10379
involvement in the payment of contributions to the U.S. Treasury.	10380
Board of Commissioners of the Sinking Fund	10381
Eliminates many of the procedures for payment on bonded debt,	10382
but does not change requirement to pay the bonded debt.	10383
Ohio coupon bonds and unclaimed funds	10384
Designates certain state bonds issued before 1985, referred	10385
to as "Ohio coupon bonds" as unclaimed funds if the bond's	10386
principal and interest is not redeemed for three years following	10387
maturity.	10388
Establishes a procedure whereby these coupon bonds, unlike	10389
other property subject to Unclaimed Funds Law, may escheat to the	10390
state.	10391
Allows the Director of Unclaimed Funds discretion to pay out	10392
claims for coupon bonds that have already escheated to the state,	10393
minus the costs incurred by the state in securing title to the	10394
bonds.	10395
Trust companies and family trust companies	10396
Shifts responsibility, from the Treasurer to the	10397
Superintendent of Financial Institutions, for accepting securities	10398
from trust companies and family trust companies.	10399
Insurance companies	10400
Eliminates the Treasurer's role in accepting securities from	10401
certain insurance companies and gives full responsibility to the	10402
Superintendent of Insurance.	10403
Requires the resident and nonresident surplus lines broker's	10404
license renewal fee to be paid to the Superintendent of Insurance,	10405
instead of the Treasurer.	10406

Collateral from certain reimbursing employers	10407
Shifts the responsibility, from the Treasurer of State to the	10408
Director of Job and Family Services, of retaining collateral in	10409
the form of securities in lieu of a surety bond that a nonprofit	10410
employer wishing to be a reimbursing employer must deposit under	10411
the Unemployment Compensation Law.	10412
Community school closing audit bonds	10413
Removes all of the following related to community school	10414
closing audit bonds:	10415
--The option for a community school to deposit a \$50,000 cash	10416
guarantee with the Auditor of State in lieu of a bond.	10417
--A community school governing authority's ability to provide	10418
a written guarantee of payment in lieu of posting a bond, but	10419
retains it for a school sponsor or operator.	10420
--The requirement that upon the filing of a bond, the Auditor	10421
of State deliver the bond to the Treasurer of State.	10422
--The Treasurer of State's responsibility to hold in trust	10423
all surety bonds filed or cash deposited for community schools.	10424
Requires the Attorney General, instead of the Treasurer of	10425
State, to assess a bond for the costs of the audit to reimburse	10426
the Auditor of State or public accountant for costs incurred in	10427
conducting audits of closed community schools that cannot pay.	10428
Administration of state taxes	10429
Requires the Tax Commissioner, rather than the Treasurer of	10430
State, to collect most taxes required to be paid electronically.	10431
Provides that, when required, such taxes must be paid	10432
"electronically," rather than "by electronic funds transfer."	10433

Makes various other changes related to the Treasurer's involvement with state tax administration.	10434
	10435
Motor vehicle and watercraft	10436
Transfers from the Treasurer of State to the Registrar of Motor Vehicles the responsibility to receive sales and use taxes from the sale of motor vehicles, off-highway motorcycles, and all-purpose vehicles that are collected by each clerk of courts.	10437
	10438
	10439
	10440
Transfers from the Treasurer to the Registrar the associated requirement to remit those taxes to the Tax Commissioner.	10441
	10442
Transfers from the Treasurer to the Tax Commissioner the responsibility to receive sales and use taxes from the sale of watercraft and outboard motors that are collected by each clerk of courts.	10443
	10444
	10445
	10446
Transfers from the Treasurer to the Registrar the responsibility for receiving monetary deposits to maintain financial responsibility for a motor vehicle.	10447
	10448
	10449
Establishes the Financial Responsibility Custodial Fund in which the money must be deposited.	10450
	10451
Makes conforming changes to allow the Registrar, rather than the Treasurer, to return deposits in certain circumstances, such as when a depositor has died.	10452
	10453
	10454
Eliminates the option to deposit government bonds to maintain financial responsibility for a motor vehicle.	10455
	10456
ODNR surety requirements	10457
Creates the Performance Cash Bond Refunds Fund that consists of cash received by the Department of Natural Resources (ODNR) from other entities as performance security.	10458
	10459
	10460
Makes other changes related to ODNR's surety requirements,	10461

including:	10462
--Requiring any cash surety collected by ODNR to be credited to the Performance Cash Bond Refunds Fund; and	10463 10464
--Eliminating the Treasurer of State's involvement in the safekeeping of deposited sureties and instead requiring the relevant ODNR Division Chief to hold the sureties in trust.	10465 10466 10467
Linked deposit programs	10468
Creates the Home Improvement Linked Deposit Program, administered by the Treasurer of State, to provide reduced rate loans to homeowners for maintenance or improvements for their homes.	10469 10470 10471 10472
Reinstates the Homeownership Savings Linked Deposit Program, added by the House but removed by the Senate substitute bill, to create the availability of premium rate savings accounts for the down payment and closing costs associated with the purchase of a home.	10473 10474 10475 10476 10477
Modifies the statutes governing the existing Adoption Linked Deposit Program, Agricultural Linked Deposit Program, and Small Business Linked Deposit Program to consolidate the administrative requirements in the statutes.	10478 10479 10480 10481
Eliminates the SaveNOW Linked Deposit Program, Business Linked Deposit Program, Housing Linked Deposit Program, Assistive Technology Device Linked Deposit Program, and the Short-term Installment Loan Linked Deposit Program.	10482 10483 10484 10485
Miscellaneous changes	10486
Replaces the term "standard rating service" to the more commonly used term, "statistical rating organization."	10487 10488
Removes the references to the "office of thrift supervision,"	10489

which no longer exists.	10490
Removes references to the Ohio Building Authority, which no longer exists.	10491 10492
Eliminates the ability of a nonprofit employer wishing to be a reimbursing employer under the Unemployment Compensation Law to deposit collateral securities with the Director of Job and Family Services in lieu of a surety bond.	10493 10494 10495 10496

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 597 of the title, after the semicolon insert "to
 amend sections 2305.234, 2305.51, 2925.01, 2925.02, 2925.03,
 2925.11, 2925.12, 2925.14, 2925.23, 2925.36, 2925.55, 2925.56,
 2929.42, 3701.048, 3701.74, 3709.161, 3715.50, 3715.501, 3715.502,
 3715.503, 3715.872, 3719.06, 3719.064, 3719.121, 3719.13, 3719.81,
 4729.01, 4729.51, 4729.553, 4731.051, 4731.07, 4731.071, 4731.22,
 4731.224, 4731.24, 4731.25, 4731.251, 4734.99, 4743.09, 4755.48,
 4755.623, 4765.51, 4769.01, 4776.01, 5123.47, 5164.95, and
 5903.12; to enact sections 4772.01, 4772.02, 4772.03, 4772.04,
 4772.041, 4772.05, 4772.06, 4772.07, 4772.08, 4772.081, 4772.082,
 4772.09, 4772.091, 4772.092, 4772.10, 4772.11, 4772.12, 4772.13,
 4772.14, 4772.15, 4772.19, 4772.20, 4772.201, 4772.202, 4772.203,
 4772.21, 4772.22, 4772.23, 4772.24, 4772.25, 4772.26, 4772.27,
 4772.28, and 4772.99 of the Revised Code and to amend the version
 of section 4755.48 that is scheduled to take effect December 29,
 2023, to continue the changes on and after that effective date;"

After line 221206 insert:

"**Section 130.____.** That sections 2305.234, 2305.51, 2925.01,
 2925.02, 2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 2925.36,
 2925.55, 2925.56, 2929.42, 3701.048, 3701.74, 3709.161, 3715.50,
 3715.501, 3715.502, 3715.503, 3715.872, 3719.06, 3719.064,

3719.121, 3719.13, 3719.81, 4729.01, 4729.51, 4729.553, 4731.051, 22
 4731.07, 4731.071, 4731.22, 4731.224, 4731.24, 4731.25, 4731.251, 23
 4734.99, 4743.09, 4755.48, 4755.623, 4765.51, 4769.01, 4776.01, 24
 5123.47, 5164.95, and 5903.12 be amended and sections 4772.01, 25
 4772.02, 4772.03, 4772.04, 4772.041, 4772.05, 4772.06, 4772.07, 26
 4772.08, 4772.081, 4772.082, 4772.09, 4772.091, 4772.092, 4772.10, 27
 4772.11, 4772.12, 4772.13, 4772.14, 4772.15, 4772.19, 4772.20, 28
 4772.201, 4772.202, 4772.203, 4772.21, 4772.22, 4772.23, 4772.24, 29
 4772.25, 4772.26, 4772.27, 4772.28, and 4772.99 of the Revised 30
 Code be enacted to read as follows: 31

Sec. 2305.234. (A) As used in this section: 32

(1) "Chiropractic claim," "medical claim," and "optometric 33
 claim" have the same meanings as in section 2305.113 of the 34
 Revised Code. 35

(2) "Dental claim" has the same meaning as in section 36
 2305.113 of the Revised Code, except that it does not include any 37
 claim arising out of a dental operation or any derivative claim 38
 for relief that arises out of a dental operation. 39

(3) "Governmental health care program" has the same meaning 40
 as in section 4731.65 of the Revised Code. 41

(4) "Health care facility or location" means a hospital, 42
 clinic, ambulatory surgical facility, office of a health care 43
 professional or associated group of health care professionals, 44
 training institution for health care professionals, a free clinic 45
 or other nonprofit shelter or health care facility as those terms 46
 are defined in section 3701.071 of the Revised Code, or any other 47
 place where medical, dental, or other health-related diagnosis, 48
 care, or treatment is provided to a person. 49

(5) "Health care professional" means any of the following who provide medical, dental, or other health-related diagnosis, care, or treatment: 50
51
52

(a) Physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 53
54
55

(b) Advanced practice registered nurses, registered nurses, and licensed practical nurses licensed under Chapter 4723. of the Revised Code; 56
57
58

(c) Physician assistants authorized to practice under Chapter 4730. of the Revised Code; 59
60

(d) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code; 61
62

(e) Physical therapists, physical therapist assistants, occupational therapists, occupational therapy assistants, and athletic trainers licensed under Chapter 4755. of the Revised Code; 63
64
65
66

(f) Chiropractors licensed under Chapter 4734. of the Revised Code; 67
68

(g) Optometrists licensed under Chapter 4725. of the Revised Code; 69
70

(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry; 71
72

(i) Dietitians licensed under Chapter 4759. of the Revised Code; 73
74

(j) Pharmacists licensed under Chapter 4729. of the Revised Code; 75
76

(k) Emergency medical technicians-basic, emergency medical 77

technicians-intermediate, and emergency medical 78
 technicians-paramedic, certified under Chapter 4765. of the 79
 Revised Code; 80

(l) Respiratory care professionals licensed under Chapter 81
 4761. of the Revised Code; 82

(m) Speech-language pathologists and audiologists licensed 83
 under Chapter 4753. of the Revised Code; 84

(n) Licensed professional clinical counselors, licensed 85
 professional counselors, independent social workers, social 86
 workers, independent marriage and family therapists, and marriage 87
 and family therapists, licensed under Chapter 4757. of the Revised 88
 Code; 89

(o) Psychologists licensed under Chapter 4732. of the Revised 90
 Code; 91

(p) Independent chemical dependency counselors-clinical 92
 supervisors, independent chemical dependency counselors, chemical 93
 dependency counselors III, and chemical dependency counselors II, 94
 licensed under Chapter 4758. of the Revised Code, and chemical 95
 dependency counselor assistants, prevention consultants, 96
 prevention specialists, prevention specialist assistants, and 97
 registered applicants, certified under that chapter; 98

(q) Certified mental health assistants licensed under Chapter 99
4772. of the Revised Code. 100

(6) "Health care worker" means a person other than a health 101
 care professional who provides medical, dental, or other 102
 health-related care or treatment under the direction of a health 103
 care professional with the authority to direct that individual's 104
 activities, including medical technicians, medical assistants, 105
 dental assistants, orderlies, aides, and individuals acting in 106

similar capacities.	107
(7) "Indigent and uninsured person" means a person who meets both of the following requirements:	108 109
(a) Relative to being indigent, the person's income is not greater than two hundred per cent of the federal poverty line, as defined by the United States office of management and budget and revised in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, except in any case in which division (A)(7)(b)(iii) of this section includes a person whose income is greater than two hundred per cent of the federal poverty line.	110 111 112 113 114 115 116 117
(b) Relative to being uninsured, one of the following applies:	118 119
(i) The person is not a policyholder, certificate holder, insured, contract holder, subscriber, enrollee, member, beneficiary, or other covered individual under a health insurance or health care policy, contract, or plan.	120 121 122 123
(ii) The person is a policyholder, certificate holder, insured, contract holder, subscriber, enrollee, member, beneficiary, or other covered individual under a health insurance or health care policy, contract, or plan, but the insurer, policy, contract, or plan denies coverage or is the subject of insolvency or bankruptcy proceedings in any jurisdiction.	124 125 126 127 128 129
(iii) Until June 30, 2019, the person is eligible for the medicaid program or is a medicaid recipient.	130 131
(iv) Except as provided in division (A)(7)(b)(iii) of this section, the person is not eligible for or a recipient, enrollee, or beneficiary of any governmental health care program.	132 133 134
(8) "Nonprofit health care referral organization" means an	135

entity that is not operated for profit and refers patients to, or
arranges for the provision of, health-related diagnosis, care, or
treatment by a health care professional or health care worker.

(9) "Operation" means any procedure that involves cutting or
otherwise infiltrating human tissue by mechanical means, including
surgery, laser surgery, ionizing radiation, therapeutic
ultrasound, or the removal of intraocular foreign bodies.

"Operation" does not include the administration of medication by
injection, unless the injection is administered in conjunction
with a procedure infiltrating human tissue by mechanical means
other than the administration of medicine by injection.

"Operation" does not include routine dental restorative
procedures, the scaling of teeth, or extractions of teeth that are
not impacted.

(10) "Tort action" means a civil action for damages for
injury, death, or loss to person or property other than a civil
action for damages for a breach of contract or another agreement
between persons or government entities.

(11) "Volunteer" means an individual who provides any
medical, dental, or other health-care related diagnosis, care, or
treatment without the expectation of receiving and without receipt
of any compensation or other form of remuneration from an indigent
and uninsured person, another person on behalf of an indigent and
uninsured person, any health care facility or location, any
nonprofit health care referral organization, or any other person
or government entity.

(12) "Community control sanction" has the same meaning as in
section 2929.01 of the Revised Code.

(13) "Deep sedation" means a drug-induced depression of
consciousness during which a patient cannot be easily aroused but

responds purposefully following repeated or painful stimulation, a 166
patient's ability to independently maintain ventilatory function 167
may be impaired, a patient may require assistance in maintaining a 168
patent airway and spontaneous ventilation may be inadequate, and 169
cardiovascular function is usually maintained. 170

(14) "General anesthesia" means a drug-induced loss of 171
consciousness during which a patient is not arousable, even by 172
painful stimulation, the ability to independently maintain 173
ventilatory function is often impaired, a patient often requires 174
assistance in maintaining a patent airway, positive pressure 175
ventilation may be required because of depressed spontaneous 176
ventilation or drug-induced depression of neuromuscular function, 177
and cardiovascular function may be impaired. 178

(B)(1) Subject to divisions (F) and (G)(3) of this section, a 179
health care professional who is a volunteer and complies with 180
division (B)(2) of this section is not liable in damages to any 181
person or government entity in a tort or other civil action, 182
including an action on a medical, dental, chiropractic, 183
optometric, or other health-related claim, for injury, death, or 184
loss to person or property that allegedly arises from an action or 185
omission of the volunteer in the provision to an indigent and 186
uninsured person of medical, dental, or other health-related 187
diagnosis, care, or treatment, including the provision of samples 188
of medicine and other medical products, unless the action or 189
omission constitutes willful or wanton misconduct. 190

(2) To qualify for the immunity described in division (B)(1) 191
of this section, a health care professional shall do all of the 192
following prior to providing diagnosis, care, or treatment: 193

(a) Determine, in good faith, that the indigent and uninsured 194
person is mentally capable of giving informed consent to the 195

provision of the diagnosis, care, or treatment and is not subject 196
to duress or under undue influence; 197

(b) Inform the person of the provisions of this section, 198
including notifying the person that, by giving informed consent to 199
the provision of the diagnosis, care, or treatment, the person 200
cannot hold the health care professional liable for damages in a 201
tort or other civil action, including an action on a medical, 202
dental, chiropractic, optometric, or other health-related claim, 203
unless the action or omission of the health care professional 204
constitutes willful or wanton misconduct; 205

(c) Obtain the informed consent of the person and a written 206
waiver, signed by the person or by another individual on behalf of 207
and in the presence of the person, that states that the person is 208
mentally competent to give informed consent and, without being 209
subject to duress or under undue influence, gives informed consent 210
to the provision of the diagnosis, care, or treatment subject to 211
the provisions of this section. A written waiver under division 212
(B)(2)(c) of this section shall state clearly and in conspicuous 213
type that the person or other individual who signs the waiver is 214
signing it with full knowledge that, by giving informed consent to 215
the provision of the diagnosis, care, or treatment, the person 216
cannot bring a tort or other civil action, including an action on 217
a medical, dental, chiropractic, optometric, or other 218
health-related claim, against the health care professional unless 219
the action or omission of the health care professional constitutes 220
willful or wanton misconduct. 221

(3) A physician or podiatrist who is not covered by medical 222
malpractice insurance, but complies with division (B)(2) of this 223
section, is not required to comply with division (A) of section 224
4731.143 of the Revised Code. 225

(C) Subject to divisions (F) and (G)(3) of this section, 226
health care workers who are volunteers are not liable in damages 227
to any person or government entity in a tort or other civil 228
action, including an action upon a medical, dental, chiropractic, 229
optometric, or other health-related claim, for injury, death, or 230
loss to person or property that allegedly arises from an action or 231
omission of the health care worker in the provision to an indigent 232
and uninsured person of medical, dental, or other health-related 233
diagnosis, care, or treatment, unless the action or omission 234
constitutes willful or wanton misconduct. 235

(D) Subject to divisions (F) and (G)(3) of this section, a 236
nonprofit health care referral organization is not liable in 237
damages to any person or government entity in a tort or other 238
civil action, including an action on a medical, dental, 239
chiropractic, optometric, or other health-related claim, for 240
injury, death, or loss to person or property that allegedly arises 241
from an action or omission of the nonprofit health care referral 242
organization in referring indigent and uninsured persons to, or 243
arranging for the provision of, medical, dental, or other 244
health-related diagnosis, care, or treatment by a health care 245
professional described in division (B)(1) of this section or a 246
health care worker described in division (C) of this section, 247
unless the action or omission constitutes willful or wanton 248
misconduct. 249

(E) Subject to divisions (F) and (G)(3) of this section and 250
to the extent that the registration requirements of section 251
3701.071 of the Revised Code apply, a health care facility or 252
location associated with a health care professional described in 253
division (B)(1) of this section, a health care worker described in 254
division (C) of this section, or a nonprofit health care referral 255
organization described in division (D) of this section is not 256

liable in damages to any person or government entity in a tort or 257
other civil action, including an action on a medical, dental, 258
chiropractic, optometric, or other health-related claim, for 259
injury, death, or loss to person or property that allegedly arises 260
from an action or omission of the health care professional or 261
worker or nonprofit health care referral organization relative to 262
the medical, dental, or other health-related diagnosis, care, or 263
treatment provided to an indigent and uninsured person on behalf 264
of or at the health care facility or location, unless the action 265
or omission constitutes willful or wanton misconduct. 266

(F)(1) Except as provided in division (F)(2) of this section, 267
the immunities provided by divisions (B), (C), (D), and (E) of 268
this section are not available to a health care professional, 269
health care worker, nonprofit health care referral organization, 270
or health care facility or location if, at the time of an alleged 271
injury, death, or loss to person or property, the health care 272
professionals or health care workers involved are providing one of 273
the following: 274

(a) Any medical, dental, or other health-related diagnosis, 275
care, or treatment pursuant to a community service work order 276
entered by a court under division (B) of section 2951.02 of the 277
Revised Code or imposed by a court as a community control 278
sanction; 279

(b) Performance of an operation to which any one of the 280
following applies: 281

(i) The operation requires the administration of deep 282
sedation or general anesthesia. 283

(ii) The operation is a procedure that is not typically 284
performed in an office. 285

(iii) The individual involved is a health care professional, 286
and the operation is beyond the scope of practice or the 287
education, training, and competence, as applicable, of the health 288
care professional. 289

(c) Delivery of a baby or any other purposeful termination of 290
a human pregnancy. 291

(2) Division (F)(1) of this section does not apply when a 292
health care professional or health care worker provides medical, 293
dental, or other health-related diagnosis, care, or treatment that 294
is necessary to preserve the life of a person in a medical 295
emergency. 296

(G)(1) This section does not create a new cause of action or 297
substantive legal right against a health care professional, health 298
care worker, nonprofit health care referral organization, or 299
health care facility or location. 300

(2) This section does not affect any immunities from civil 301
liability or defenses established by another section of the 302
Revised Code or available at common law to which a health care 303
professional, health care worker, nonprofit health care referral 304
organization, or health care facility or location may be entitled 305
in connection with the provision of emergency or other medical, 306
dental, or other health-related diagnosis, care, or treatment. 307

(3) This section does not grant an immunity from tort or 308
other civil liability to a health care professional, health care 309
worker, nonprofit health care referral organization, or health 310
care facility or location for actions that are outside the scope 311
of authority of health care professionals or health care workers. 312

In the case of the diagnosis, care, or treatment of an 313
indigent and uninsured person who is eligible for the medicaid 314

program or is a medicaid recipient, this section grants an 315
immunity from tort or other civil liability only if the person's 316
diagnosis, care, or treatment is provided in a free clinic, as 317
defined in section 3701.071 of the Revised Code. 318

(4) This section does not affect any legal responsibility of 319
a health care professional, health care worker, or nonprofit 320
health care referral organization to comply with any applicable 321
law of this state or rule of an agency of this state. 322

(5) This section does not affect any legal responsibility of 323
a health care facility or location to comply with any applicable 324
law of this state, rule of an agency of this state, or local code, 325
ordinance, or regulation that pertains to or regulates building, 326
housing, air pollution, water pollution, sanitation, health, fire, 327
zoning, or safety. 328

Sec. 2305.51. (A)(1) As used in this section: 329

(a) "Civil Rights" has the same meaning as in section 330
5122.301 of the Revised Code. 331

(b) "Mental health client or patient" means an individual who 332
is receiving mental health services from a mental health 333
professional or organization. 334

(c) "Mental health organization" means an organization that 335
engages one or more mental health professionals to provide mental 336
health services to one or more mental health clients or patients. 337

(d) "Mental health professional" means an individual who is 338
licensed, certified, or registered under the Revised Code, or 339
otherwise authorized in this state, to provide mental health 340
services for compensation, remuneration, or other personal gain. 341

(e) "Mental health service" means a service provided to an 342

individual or group of individuals involving the application of 343
medical, psychiatric, psychological, professional counseling, 344
social work, marriage and family therapy, or nursing principles or 345
procedures to either of the following: 346

(i) The assessment, diagnosis, prevention, treatment, or 347
amelioration of mental, emotional, psychiatric, psychological, or 348
psychosocial disorders or diseases, as described in the most 349
recent edition of the diagnostic and statistical manual of mental 350
disorders published by the American psychiatric association; 351

(ii) The assessment or improvement of mental, emotional, 352
psychiatric, psychological, or psychosocial adjustment or 353
functioning, regardless of whether there is a diagnosable, 354
pre-existing disorder or disease. 355

(f) "Knowledgeable person" means an individual who has reason 356
to believe that a mental health client or patient has the intent 357
and ability to carry out an explicit threat of inflicting imminent 358
and serious physical harm to or causing the death of a clearly 359
identifiable potential victim or victims and who is either an 360
immediate family member of the client or patient or an individual 361
who otherwise personally knows the client or patient. 362

(g) "Advanced practice registered nurse" has the same meaning 363
as in section 4723.01 of the Revised Code. 364

(h) "Hospital" has the same meaning as in section 2305.25 of 365
the Revised Code. 366

(i) "Physician" means an individual authorized under Chapter 367
4731. of the Revised Code to practice medicine and surgery or 368
osteopathic medicine and surgery. 369

(j) "Physician assistant" has the same meaning as in section 370
4730.01 of the Revised Code. 371

(k) "Certified mental health assistant" has the same meaning as in section 4772.01 of the Revised Code. 372
373

(2) For the purpose of this section, in the case of a threat to a readily identifiable structure, "clearly identifiable potential victim" includes any potential occupant of the structure. 374
375
376
377

(B) A mental health professional or mental health organization may be held liable in damages in a civil action, or may be made subject to disciplinary action by an entity with licensing or other regulatory authority over the professional or organization, for serious physical harm or death resulting from failing to predict, warn of, or take precautions to provide protection from the violent behavior of a mental health client or patient, only if the client or patient or a knowledgeable person has communicated to the professional or organization an explicit threat of inflicting imminent and serious physical harm to or causing the death of one or more clearly identifiable potential victims, the professional or organization has reason to believe that the client or patient has the intent and ability to carry out the threat, and the professional or organization fails to take one or more of the following actions in a timely manner: 378
379
380
381
382
383
384
385
386
387
388
389
390
391
392

(1) Exercise any authority the professional or organization possesses to hospitalize the client or patient on an emergency basis pursuant to section 5122.10 of the Revised Code; 393
394
395

(2) Exercise any authority the professional or organization possesses to have the client or patient involuntarily or voluntarily hospitalized under Chapter 5122. of the Revised Code; 396
397
398

(3) Establish and undertake a documented treatment plan that is reasonably calculated, according to appropriate standards of professional practice, to eliminate the possibility that the 399
400
401

client or patient will carry out the threat, and, concurrent with 402
establishing and undertaking the treatment plan, initiate 403
arrangements for a second opinion risk assessment through a 404
management consultation about the treatment plan with, in the case 405
of a mental health organization, the clinical director of the 406
organization, or, in the case of a mental health professional who 407
is not acting as part of a mental health organization, any mental 408
health professional who is licensed to engage in independent 409
practice; 410

(4) Communicate to a law enforcement agency with jurisdiction 411
in the area where each potential victim resides, where a structure 412
threatened by a mental health client or patient is located, or 413
where the mental health client or patient resides, and if 414
feasible, communicate to each potential victim or a potential 415
victim's parent or guardian if the potential victim is a minor or 416
has been adjudicated incompetent, all of the following 417
information: 418

(a) The nature of the threat; 419

(b) The identity of the mental health client or patient 420
making the threat; 421

(c) The identity of each potential victim of the threat. 422

(C) All of the following apply when a mental health 423
professional or organization takes one or more of the actions set 424
forth in divisions (B)(1) to (4) of this section: 425

(1) The mental health professional or organization shall 426
consider each of the alternatives set forth and shall document the 427
reasons for choosing or rejecting each alternative. 428

(2) The mental health professional or organization may give 429
special consideration to those alternatives which, consistent with 430

public safety, would least abridge the rights of the mental health
client or patient established under the Revised Code, including
the rights specified in sections 5122.27 to 5122.31 of the Revised
Code.

(3) The mental health professional or organization is not
required to take an action that, in the exercise of reasonable
professional judgment, would physically endanger the professional
or organization, increase the danger to a potential victim, or
increase the danger to the mental health client or patient.

(4) The mental health professional or organization is not
liable in damages in a civil action, and shall not be made subject
to disciplinary action by any entity with licensing or other
regulatory authority over the professional or organization, for
disclosing any confidential information about a mental health
client or patient that is disclosed for the purpose of taking any
of the actions.

(D) Notwithstanding any other provision of the Revised Code,
a physician, physician assistant, advanced practice registered
nurse, certified mental health assistant, or hospital is not
liable in damages in a civil action, and shall not be made subject
to disciplinary action by any entity with licensing or other
regulatory authority, for doing either of the following:

(1) Failing to discharge or to allow a patient to leave the
facility if the physician, physician assistant, advanced practice
registered nurse, certified mental health assistant, or hospital
believes in the good faith exercise of professional medical,
advanced practice registered nursing, ~~or~~ physician assistant,
certified mental health assistant judgment according to
appropriate standards of professional practice that the patient
has a mental health condition that threatens the safety of the

patient or others; 461

(2) Discharging a patient whom the physician, physician 462
 assistant, advanced practice registered nurse, certified mental 463
health assistant, or hospital believes in the good faith exercise 464
 of professional medical, advanced practice registered nursing, ~~or~~ 465
 physician assistant, certified mental health assistant judgment 466
 according to appropriate standards of professional practice not to 467
 have a mental health condition that threatens the safety of the 468
 patient or others. 469

(E) The immunities from civil liability and disciplinary 470
 action conferred by this section are in addition to and not in 471
 limitation of any immunity conferred on a mental health 472
 professional or organization or on a physician, physician 473
 assistant, advanced practice registered nurse, certified mental 474
health assistant, or hospital by any other section of the Revised 475
 Code or by judicial precedent. 476

(F) This section does not affect the civil rights of a mental 477
 health client or patient under Ohio or federal law. 478

Sec. 2925.01. As used in this chapter: 479

(A) "Administer," "controlled substance," "controlled 480
 substance analog," "dispense," "distribute," "hypodermic," 481
 "manufacturer," "official written order," "person," "pharmacist," 482
 "pharmacy," "sale," "schedule I," "schedule II," "schedule III," 483
 "schedule IV," "schedule V," and "wholesaler" have the same 484
 meanings as in section 3719.01 of the Revised Code. 485

(B) "Drug of abuse" and "person with a drug dependency" have 486
 the same meanings as in section 3719.011 of the Revised Code. 487

(C) "Drug," "dangerous drug," "licensed health professional 488
 authorized to prescribe drugs," and "prescription" have the same 489

meanings as in section 4729.01 of the Revised Code. 490

(D) "Bulk amount" of a controlled substance means any of the 491
following: 492

(1) For any compound, mixture, preparation, or substance 493
included in schedule I, schedule II, or schedule III, with the 494
exception of any controlled substance analog, marihuana, cocaine, 495
L.S.D., heroin, any fentanyl-related compound, and hashish and 496
except as provided in division (D)(2), (5), or (6) of this 497
section, whichever of the following is applicable: 498

(a) An amount equal to or exceeding ten grams or twenty-five 499
unit doses of a compound, mixture, preparation, or substance that 500
is or contains any amount of a schedule I opiate or opium 501
derivative; 502

(b) An amount equal to or exceeding ten grams of a compound, 503
mixture, preparation, or substance that is or contains any amount 504
of raw or gum opium; 505

(c) An amount equal to or exceeding thirty grams or ten unit 506
doses of a compound, mixture, preparation, or substance that is or 507
contains any amount of a schedule I hallucinogen other than 508
tetrahydrocannabinol or lysergic acid amide, or a schedule I 509
stimulant or depressant; 510

(d) An amount equal to or exceeding twenty grams or five 511
times the maximum daily dose in the usual dose range specified in 512
a standard pharmaceutical reference manual of a compound, mixture, 513
preparation, or substance that is or contains any amount of a 514
schedule II opiate or opium derivative; 515

(e) An amount equal to or exceeding five grams or ten unit 516
doses of a compound, mixture, preparation, or substance that is or 517
contains any amount of phencyclidine; 518

(f) An amount equal to or exceeding one hundred twenty grams 519
or thirty times the maximum daily dose in the usual dose range 520
specified in a standard pharmaceutical reference manual of a 521
compound, mixture, preparation, or substance that is or contains 522
any amount of a schedule II stimulant that is in a final dosage 523
form manufactured by a person authorized by the "Federal Food, 524
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 525
amended, and the federal drug abuse control laws, as defined in 526
section 3719.01 of the Revised Code, that is or contains any 527
amount of a schedule II depressant substance or a schedule II 528
hallucinogenic substance; 529

(g) An amount equal to or exceeding three grams of a 530
compound, mixture, preparation, or substance that is or contains 531
any amount of a schedule II stimulant, or any of its salts or 532
isomers, that is not in a final dosage form manufactured by a 533
person authorized by the Federal Food, Drug, and Cosmetic Act and 534
the federal drug abuse control laws. 535

(2) An amount equal to or exceeding one hundred twenty grams 536
or thirty times the maximum daily dose in the usual dose range 537
specified in a standard pharmaceutical reference manual of a 538
compound, mixture, preparation, or substance that is or contains 539
any amount of a schedule III or IV substance other than an 540
anabolic steroid or a schedule III opiate or opium derivative; 541

(3) An amount equal to or exceeding twenty grams or five 542
times the maximum daily dose in the usual dose range specified in 543
a standard pharmaceutical reference manual of a compound, mixture, 544
preparation, or substance that is or contains any amount of a 545
schedule III opiate or opium derivative; 546

(4) An amount equal to or exceeding two hundred fifty 547
milliliters or two hundred fifty grams of a compound, mixture, 548

preparation, or substance that is or contains any amount of a 549
schedule V substance; 550

(5) An amount equal to or exceeding two hundred solid dosage 551
units, sixteen grams, or sixteen milliliters of a compound, 552
mixture, preparation, or substance that is or contains any amount 553
of a schedule III anabolic steroid; 554

(6) For any compound, mixture, preparation, or substance that 555
is a combination of a fentanyl-related compound and any other 556
compound, mixture, preparation, or substance included in schedule 557
III, schedule IV, or schedule V, if the defendant is charged with 558
a violation of section 2925.11 of the Revised Code and the 559
sentencing provisions set forth in divisions (C)(10)(b) and 560
(C)(11) of that section will not apply regarding the defendant and 561
the violation, the bulk amount of the controlled substance for 562
purposes of the violation is the amount specified in division 563
(D)(1), (2), (3), (4), or (5) of this section for the other 564
schedule III, IV, or V controlled substance that is combined with 565
the fentanyl-related compound. 566

(E) "Unit dose" means an amount or unit of a compound, 567
mixture, or preparation containing a controlled substance that is 568
separately identifiable and in a form that indicates that it is 569
the amount or unit by which the controlled substance is separately 570
administered to or taken by an individual. 571

(F) "Cultivate" includes planting, watering, fertilizing, or 572
tilling. 573

(G) "Drug abuse offense" means any of the following: 574

(1) A violation of division (A) of section 2913.02 that 575
constitutes theft of drugs, or a violation of section 2925.02, 576
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 577

2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 578
2925.37 of the Revised Code; 579

(2) A violation of an existing or former law of this or any 580
other state or of the United States that is substantially 581
equivalent to any section listed in division (G)(1) of this 582
section; 583

(3) An offense under an existing or former law of this or any 584
other state, or of the United States, of which planting, 585
cultivating, harvesting, processing, making, manufacturing, 586
producing, shipping, transporting, delivering, acquiring, 587
possessing, storing, distributing, dispensing, selling, inducing 588
another to use, administering to another, using, or otherwise 589
dealing with a controlled substance is an element; 590

(4) A conspiracy to commit, attempt to commit, or complicity 591
in committing or attempting to commit any offense under division 592
(G)(1), (2), or (3) of this section. 593

(H) "Felony drug abuse offense" means any drug abuse offense 594
that would constitute a felony under the laws of this state, any 595
other state, or the United States. 596

(I) "Harmful intoxicant" does not include beer or 597
intoxicating liquor but means any of the following: 598

(1) Any compound, mixture, preparation, or substance the gas, 599
fumes, or vapor of which when inhaled can induce intoxication, 600
excitement, giddiness, irrational behavior, depression, 601
stupefaction, paralysis, unconsciousness, asphyxiation, or other 602
harmful physiological effects, and includes, but is not limited 603
to, any of the following: 604

(a) Any volatile organic solvent, plastic cement, model 605
cement, fingernail polish remover, lacquer thinner, cleaning 606

fluid, gasoline, or other preparation containing a volatile	607
organic solvent;	608
(b) Any aerosol propellant;	609
(c) Any fluorocarbon refrigerant;	610
(d) Any anesthetic gas.	611
(2) Gamma Butyrolactone;	612
(3) 1,4 Butanediol.	613
(J) "Manufacture" means to plant, cultivate, harvest,	614
process, make, prepare, or otherwise engage in any part of the	615
production of a drug, by propagation, extraction, chemical	616
synthesis, or compounding, or any combination of the same, and	617
includes packaging, repackaging, labeling, and other activities	618
incident to production.	619
(K) "Possess" or "possession" means having control over a	620
thing or substance, but may not be inferred solely from mere	621
access to the thing or substance through ownership or occupation	622
of the premises upon which the thing or substance is found.	623
(L) "Sample drug" means a drug or pharmaceutical preparation	624
that would be hazardous to health or safety if used without the	625
supervision of a licensed health professional authorized to	626
prescribe drugs, or a drug of abuse, and that, at one time, had	627
been placed in a container plainly marked as a sample by a	628
manufacturer.	629
(M) "Standard pharmaceutical reference manual" means the	630
current edition, with cumulative changes if any, of references	631
that are approved by the state board of pharmacy.	632
(N) "Juvenile" means a person under eighteen years of age.	633
(O) "Counterfeit controlled substance" means any of the	634

- following: 635
- (1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to that trademark, trade name, or identifying mark; 636
637
638
639
- (2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it; 640
641
642
643
- (3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance; 644
645
646
- (4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale. 647
648
649
650
651
- (P) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises. 652
653
654
655
656
657
658
- (Q) "School" means any school operated by a board of education, any community school established under Chapter 3314. of the Revised Code, or any nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code, whether or not any instruction, 659
660
661
662
663

extracurricular activities, or training provided by the school is 664
being conducted at the time a criminal offense is committed. 665

(R) "School premises" means either of the following: 666

(1) The parcel of real property on which any school is 667
situated, whether or not any instruction, extracurricular 668
activities, or training provided by the school is being conducted 669
on the premises at the time a criminal offense is committed; 670

(2) Any other parcel of real property that is owned or leased 671
by a board of education of a school, the governing authority of a 672
community school established under Chapter 3314. of the Revised 673
Code, or the governing body of a nonpublic school for which the 674
state board of education prescribes minimum standards under 675
section 3301.07 of the Revised Code and on which some of the 676
instruction, extracurricular activities, or training of the school 677
is conducted, whether or not any instruction, extracurricular 678
activities, or training provided by the school is being conducted 679
on the parcel of real property at the time a criminal offense is 680
committed. 681

(S) "School building" means any building in which any of the 682
instruction, extracurricular activities, or training provided by a 683
school is conducted, whether or not any instruction, 684
extracurricular activities, or training provided by the school is 685
being conducted in the school building at the time a criminal 686
offense is committed. 687

(T) "Disciplinary counsel" means the disciplinary counsel 688
appointed by the board of commissioners on grievances and 689
discipline of the supreme court under the Rules for the Government 690
of the Bar of Ohio. 691

(U) "Certified grievance committee" means a duly constituted 692

and organized committee of the Ohio state bar association or of 693
 one or more local bar associations of the state of Ohio that 694
 complies with the criteria set forth in Rule V, section 6 of the 695
 Rules for the Government of the Bar of Ohio. 696

(V) "Professional license" means any license, permit, 697
 certificate, registration, qualification, admission, temporary 698
 license, temporary permit, temporary certificate, or temporary 699
 registration that is described in divisions (W)(1) to (37) of this 700
 section and that qualifies a person as a professionally licensed 701
 person. 702

(W) "Professionally licensed person" means any of the 703
 following: 704

(1) A person who has received a certificate or temporary 705
 certificate as a certified public accountant or who has registered 706
 as a public accountant under Chapter 4701. of the Revised Code and 707
 who holds an Ohio permit issued under that chapter; 708

(2) A person who holds a certificate of qualification to 709
 practice architecture issued or renewed and registered under 710
 Chapter 4703. of the Revised Code; 711

(3) A person who is registered as a landscape architect under 712
 Chapter 4703. of the Revised Code or who holds a permit as a 713
 landscape architect issued under that chapter; 714

(4) A person licensed under Chapter 4707. of the Revised 715
 Code; 716

(5) A person who has been issued a certificate of 717
 registration as a registered barber under Chapter 4709. of the 718
 Revised Code; 719

(6) A person licensed and regulated to engage in the business 720
 of a debt pooling company by a legislative authority, under 721

authority of Chapter 4710. of the Revised Code;	722
(7) A person who has been issued a cosmetologist's license,	723
hair designer's license, manicurist's license, esthetician's	724
license, natural hair stylist's license, advanced cosmetologist's	725
license, advanced hair designer's license, advanced manicurist's	726
license, advanced esthetician's license, advanced natural hair	727
stylist's license, cosmetology instructor's license, hair design	728
instructor's license, manicurist instructor's license, esthetics	729
instructor's license, natural hair style instructor's license,	730
independent contractor's license, or tanning facility permit under	731
Chapter 4713. of the Revised Code;	732
(8) A person who has been issued a license to practice	733
dentistry, a general anesthesia permit, a conscious sedation	734
permit, a limited resident's license, a limited teaching license,	735
a dental hygienist's license, or a dental hygienist's teacher's	736
certificate under Chapter 4715. of the Revised Code;	737
(9) A person who has been issued an embalmer's license, a	738
funeral director's license, a funeral home license, or a crematory	739
license, or who has been registered for an embalmer's or funeral	740
director's apprenticeship under Chapter 4717. of the Revised Code;	741
(10) A person who has been licensed as a registered nurse or	742
practical nurse, or who has been issued a certificate for the	743
practice of nurse-midwifery under Chapter 4723. of the Revised	744
Code;	745
(11) A person who has been licensed to practice optometry or	746
to engage in optical dispensing under Chapter 4725. of the Revised	747
Code;	748
(12) A person licensed to act as a pawnbroker under Chapter	749
4727. of the Revised Code;	750

(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	751 752
(14) A person licensed under Chapter 4729. of the Revised Code as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;	753 754 755 756
(15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;	757 758 759 760 761
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	762 763
(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;	764 765 766 767 768
(18) A person licensed as a psychologist, independent school psychologist, or school psychologist under Chapter 4732. of the Revised Code;	769 770 771
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	772 773
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	774 775
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	776 777
(22) A person registered as a registered environmental health	778

specialist under Chapter 4736. of the Revised Code;	779
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	780 781
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	782 783
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	784 785
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	786 787 788 789
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	790 791 792
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	793 794 795
(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	796 797
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	798 799 800
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	801 802
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a	803 804 805 806

social work assistant under Chapter 4757. of the Revised Code;	807
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	808 809
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	810 811 812
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	813 814
(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;	815 816
(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules;	817 818 819
<u>(38) A person who has been issued a license to practice as a certified mental health assistant under Chapter 4772. of the Revised Code.</u>	820 821 822
(X) "Cocaine" means any of the following:	823
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	824 825
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	826 827 828 829
(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the	830 831 832 833 834

extractions do not contain cocaine or ecgonine.	835
(Y) "L.S.D." means lysergic acid diethylamide.	836
(Z) "Hashish" means a resin or a preparation of a resin to which both of the following apply:	837 838
(1) It is contained in or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.	839 840 841
(2) It has a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent.	842 843
"Hashish" does not include a hemp byproduct in the possession of a licensed hemp processor under Chapter 928. of the Revised Code, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under section 928.03 of the Revised Code.	844 845 846 847 848
(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.	849 850
(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.	851 852 853 854 855 856 857
(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code.	858 859 860 861 862 863

(DD) "Major drug offender" has the same meaning as in section 2929.01 of the Revised Code. 864
865

(EE) "Minor drug possession offense" means either of the following: 866
867

(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996; 868
869

(2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a felony of the fifth degree. 870
871
872

(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code. 873
874

(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code. 875
876

(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort. 877
878
879

(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine. 880
881
882
883

(JJ) "Deception" has the same meaning as in section 2913.01 of the Revised Code. 884
885

(KK) "Fentanyl-related compound" means any of the following: 886

(1) Fentanyl; 887

(2) Alpha-methylfentanyl 888

(N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide; 889
1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine); 890

(3) Alpha-methylthiofentanyl	891
(N-[1-methyl-2-(2-thienyl)ethyl-4-	892
piperidinyl]-N-phenylpropanamide);	893
(4) Beta-hydroxyfentanyl	894
(N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl] -N-phenylpropanamide);	895
(5) Beta-hydroxy-3-methylfentanyl (other name:	896
N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-	897
phenylpropanamide);	898
(6) 3-methylfentanyl	899
(N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	900
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-	901
piperidinyl]-N-phenylpropanamide);	902
(8) Para-fluorofentanyl	903
(N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidinyl]propanamide;	904
(9) Thiofentanyl	905
(N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide;	906
(10) Alfentanil;	907
(11) Carfentanil;	908
(12) Remifentanil;	909
(13) Sufentanil;	910
(14) Acetyl-alpha-methylfentanyl	911
(N-[1-(1-methyl-2-phenethyl)-4- piperidinyl]-N-phenylacetamide);	912
and	913
(15) Any compound that meets all of the following fentanyl	914
pharmacophore requirements to bind at the mu receptor, as	915
identified by a report from an established forensic laboratory,	916
including acetylfentanyl, furanylfentanyl, valerylfentanyl,	917

butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, 918
para-fluorobutyrylfentanyl, acrylfentanyl, and 919
ortho-fluorofentanyl: 920

(a) A chemical scaffold consisting of both of the following: 921

(i) A five, six, or seven member ring structure containing a 922
nitrogen, whether or not further substituted; 923

(ii) An attached nitrogen to the ring, whether or not that 924
nitrogen is enclosed in a ring structure, including an attached 925
aromatic ring or other lipophilic group to that nitrogen. 926

(b) A polar functional group attached to the chemical 927
scaffold, including but not limited to a hydroxyl, ketone, amide, 928
or ester; 929

(c) An alkyl or aryl substitution off the ring nitrogen of 930
the chemical scaffold; and 931

(d) The compound has not been approved for medical use by the 932
United States food and drug administration. 933

(LL) "First degree felony mandatory prison term" means one of 934
the definite prison terms prescribed in division (A)(1)(b) of 935
section 2929.14 of the Revised Code for a felony of the first 936
degree, except that if the violation for which sentence is being 937
imposed is committed on or after March 22, 2019, it means one of 938
the minimum prison terms prescribed in division (A)(1)(a) of that 939
section for a felony of the first degree. 940

(MM) "Second degree felony mandatory prison term" means one 941
of the definite prison terms prescribed in division (A)(2)(b) of 942
section 2929.14 of the Revised Code for a felony of the second 943
degree, except that if the violation for which sentence is being 944
imposed is committed on or after March 22, 2019, it means one of 945
the minimum prison terms prescribed in division (A)(2)(a) of that 946

section for a felony of the second degree. 947

(NN) "Maximum first degree felony mandatory prison term" 948
means the maximum definite prison term prescribed in division 949
(A)(1)(b) of section 2929.14 of the Revised Code for a felony of 950
the first degree, except that if the violation for which sentence 951
is being imposed is committed on or after March 22, 2019, it means 952
the longest minimum prison term prescribed in division (A)(1)(a) 953
of that section for a felony of the first degree. 954

(OO) "Maximum second degree felony mandatory prison term" 955
means the maximum definite prison term prescribed in division 956
(A)(2)(b) of section 2929.14 of the Revised Code for a felony of 957
the second degree, except that if the violation for which sentence 958
is being imposed is committed on or after March 22, 2019, it means 959
the longest minimum prison term prescribed in division (A)(2)(a) 960
of that section for a felony of the second degree. 961

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning as 962
in section 928.01 of the Revised Code. 963

(QQ) An offense is "committed in the vicinity of a substance 964
addiction services provider or a recovering addict" if either of 965
the following apply: 966

(1) The offender commits the offense on the premises of a 967
substance addiction services provider's facility, including a 968
facility licensed prior to June 29, 2019, under section 5119.391 969
of the Revised Code to provide methadone treatment or an opioid 970
treatment program licensed on or after that date under section 971
5119.37 of the Revised Code, or within five hundred feet of the 972
premises of a substance addiction services provider's facility and 973
the offender knows or should know that the offense is being 974
committed within the vicinity of the substance addiction services 975
provider's facility. 976

(2) The offender sells, offers to sell, delivers, or distributes the controlled substance or controlled substance analog to a person who is receiving treatment at the time of the commission of the offense, or received treatment within thirty days prior to the commission of the offense, from a substance addiction services provider and the offender knows that the person is receiving or received that treatment.

(RR) "Substance addiction services provider" means an agency, association, corporation or other legal entity, individual, or program that provides one or more of the following at a facility:

(1) Either alcohol addiction services, or drug addiction services, or both such services that are certified by the director of mental health and addiction services under section 5119.36 of the Revised Code;

(2) Recovery supports that are related to either alcohol addiction services, or drug addiction services, or both such services and paid for with federal, state, or local funds administered by the department of mental health and addiction services or a board of alcohol, drug addiction, and mental health services.

(SS) "Premises of a substance addiction services provider's facility" means the parcel of real property on which any substance addiction service provider's facility is situated.

(TT) "Alcohol and drug addiction services" has the same meaning as in section 5119.01 of the Revised Code.

Sec. 2925.02. (A) No person shall knowingly do any of the following:

(1) By force, threat, or deception, administer to another or

- induce or cause another to use a controlled substance; 1005
- (2) By any means, administer or furnish to another or induce 1006
or cause another to use a controlled substance with purpose to 1007
cause serious physical harm to the other person, or with purpose 1008
to cause the other person to become a person with drug dependency; 1009
- (3) By any means, administer or furnish to another or induce 1010
or cause another to use a controlled substance, and thereby cause 1011
serious physical harm to the other person, or cause the other 1012
person to become a person with drug dependency; 1013
- (4) By any means, do any of the following: 1014
- (a) Furnish or administer a controlled substance to a 1015
juvenile who is at least two years the offender's junior, when the 1016
offender knows the age of the juvenile or is reckless in that 1017
regard; 1018
- (b) Induce or cause a juvenile who is at least two years the 1019
offender's junior to use a controlled substance, when the offender 1020
knows the age of the juvenile or is reckless in that regard; 1021
- (c) Induce or cause a juvenile who is at least two years the 1022
offender's junior to commit a felony drug abuse offense, when the 1023
offender knows the age of the juvenile or is reckless in that 1024
regard; 1025
- (d) Use a juvenile, whether or not the offender knows the age 1026
of the juvenile, to perform any surveillance activity that is 1027
intended to prevent the detection of the offender or any other 1028
person in the commission of a felony drug abuse offense or to 1029
prevent the arrest of the offender or any other person for the 1030
commission of a felony drug abuse offense. 1031
- (5) By any means, furnish or administer a controlled 1032
substance to a pregnant woman or induce or cause a pregnant woman 1033

to use a controlled substance, when the offender knows that the woman is pregnant or is reckless in that regard.

(B) Division (A)(1), (3), (4), or (5) of this section does not apply to manufacturers, wholesalers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., ~~and 4741.~~ and 4772. of the Revised Code.

(C) Whoever violates this section is guilty of corrupting another with drugs. The penalty for the offense shall be determined as follows:

(1) If the offense is a violation of division (A)(1), (2), (3), or (4) of this section and the drug involved is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the offender shall be punished as follows:

(a) Except as otherwise provided in division (C)(1)(b) of this section, corrupting another with drugs committed in those circumstances is a felony of the second degree and, subject to division (E) of this section, the court shall impose as a mandatory prison term a second degree felony mandatory prison term.

(b) If the offense was committed in the vicinity of a school, corrupting another with drugs committed in those circumstances is a felony of the first degree, and, subject to division (E) of this section, the court shall impose as a mandatory prison term a first

degree felony mandatory prison term. 1064

(2) If the offense is a violation of division (A)(1), (2), 1065
(3), or (4) of this section and the drug involved is any compound, 1066
mixture, preparation, or substance included in schedule III, IV, 1067
or V, the offender shall be punished as follows: 1068

(a) Except as otherwise provided in division (C)(2)(b) of 1069
this section, corrupting another with drugs committed in those 1070
circumstances is a felony of the second degree and there is a 1071
presumption for a prison term for the offense. 1072

(b) If the offense was committed in the vicinity of a school, 1073
corrupting another with drugs committed in those circumstances is 1074
a felony of the second degree and the court shall impose as a 1075
mandatory prison term a second degree felony mandatory prison 1076
term. 1077

(3) If the offense is a violation of division (A)(1), (2), 1078
(3), or (4) of this section and the drug involved is marihuana, 1079
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1080
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 1081
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 1082
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 1083
offender shall be punished as follows: 1084

(a) Except as otherwise provided in division (C)(3)(b) of 1085
this section, corrupting another with drugs committed in those 1086
circumstances is a felony of the fourth degree and division (C) of 1087
section 2929.13 of the Revised Code applies in determining whether 1088
to impose a prison term on the offender. 1089

(b) If the offense was committed in the vicinity of a school, 1090
corrupting another with drugs committed in those circumstances is 1091
a felony of the third degree and division (C) of section 2929.13 1092

of the Revised Code applies in determining whether to impose a
prison term on the offender.

(4) If the offense is a violation of division (A)(5) of this
section and the drug involved is any compound, mixture,
preparation, or substance included in schedule I or II, with the
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole,
1-Butyl-3-(1-naphthoyl)indole,
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole,
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol,
corrupting another with drugs is a felony of the first degree and,
subject to division (E) of this section, the court shall impose as
a mandatory prison term a first degree felony mandatory prison
term.

(5) If the offense is a violation of division (A)(5) of this
section and the drug involved is any compound, mixture,
preparation, or substance included in schedule III, IV, or V,
corrupting another with drugs is a felony of the second degree and
the court shall impose as a mandatory prison term a second degree
felony mandatory prison term.

(6) If the offense is a violation of division (A)(5) of this
section and the drug involved is marihuana,
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole,
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole,
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol,
corrupting another with drugs is a felony of the third degree and
division (C) of section 2929.13 of the Revised Code applies in
determining whether to impose a prison term on the offender.

(D) In addition to any prison term authorized or required by

division (C) or (E) of this section and sections 2929.13 and 1123
2929.14 of the Revised Code and in addition to any other sanction 1124
imposed for the offense under this section or sections 2929.11 to 1125
2929.18 of the Revised Code, the court that sentences an offender 1126
who is convicted of or pleads guilty to a violation of division 1127
(A) of this section may suspend for not more than five years the 1128
offender's driver's or commercial driver's license or permit. 1129
However, if the offender pleaded guilty to or was convicted of a 1130
violation of section 4511.19 of the Revised Code or a 1131
substantially similar municipal ordinance or the law of another 1132
state or the United States arising out of the same set of 1133
circumstances as the violation, the court shall suspend the 1134
offender's driver's or commercial driver's license or permit for 1135
not more than five years. The court also shall do all of the 1136
following that are applicable regarding the offender: 1137

(1)(a) If the violation is a felony of the first, second, or 1138
third degree, the court shall impose upon the offender the 1139
mandatory fine specified for the offense under division (B)(1) of 1140
section 2929.18 of the Revised Code unless, as specified in that 1141
division, the court determines that the offender is indigent. 1142

(b) Notwithstanding any contrary provision of section 3719.21 1143
of the Revised Code, any mandatory fine imposed pursuant to 1144
division (D)(1)(a) of this section and any fine imposed for a 1145
violation of this section pursuant to division (A) of section 1146
2929.18 of the Revised Code shall be paid by the clerk of the 1147
court in accordance with and subject to the requirements of, and 1148
shall be used as specified in, division (F) of section 2925.03 of 1149
the Revised Code. 1150

(c) If a person is charged with any violation of this section 1151
that is a felony of the first, second, or third degree, posts 1152

bail, and forfeits the bail, the forfeited bail shall be paid by
the clerk of the court pursuant to division (D)(1)(b) of this
section as if it were a fine imposed for a violation of this
section.

(2) If the offender is a professionally licensed person, in
addition to any other sanction imposed for a violation of this
section, the court immediately shall comply with section 2925.38
of the Revised Code.

(E) Notwithstanding the prison term otherwise authorized or
required for the offense under division (C) of this section and
sections 2929.13 and 2929.14 of the Revised Code, if the violation
of division (A) of this section involves the sale, offer to sell,
or possession of a schedule I or II controlled substance, with the
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole,
1-Butyl-3-(1-naphthoyl)indole,
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole,
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and
if the court imposing sentence upon the offender finds that the
offender as a result of the violation is a major drug offender and
is guilty of a specification of the type described in division (A)
of section 2941.1410 of the Revised Code, the court, in lieu of
the prison term that otherwise is authorized or required, shall
impose upon the offender the mandatory prison term specified in
division (B)(3)(a) of section 2929.14 of the Revised Code.

(F)(1) If the sentencing court suspends the offender's
driver's or commercial driver's license or permit under division
(D) of this section, the offender, at any time after the
expiration of two years from the day on which the offender's
sentence was imposed or from the day on which the offender finally

was released from a prison term under the sentence, whichever is 1183
later, may file a motion with the sentencing court requesting 1184
termination of the suspension. Upon the filing of the motion and 1185
the court's finding of good cause for the determination, the court 1186
may terminate the suspension. 1187

(2) Any offender who received a mandatory suspension of the 1188
offender's driver's or commercial driver's license or permit under 1189
this section prior to September 13, 2016, may file a motion with 1190
the sentencing court requesting the termination of the suspension. 1191
However, an offender who pleaded guilty to or was convicted of a 1192
violation of section 4511.19 of the Revised Code or a 1193
substantially similar municipal ordinance or law of another state 1194
or the United States that arose out of the same set of 1195
circumstances as the violation for which the offender's license or 1196
permit was suspended under this section shall not file such a 1197
motion. 1198

Upon the filing of a motion under division (F)(2) of this 1199
section, the sentencing court, in its discretion, may terminate 1200
the suspension. 1201

Sec. 2925.03. (A) No person shall knowingly do any of the 1202
following: 1203

(1) Sell or offer to sell a controlled substance or a 1204
controlled substance analog; 1205

(2) Prepare for shipment, ship, transport, deliver, prepare 1206
for distribution, or distribute a controlled substance or a 1207
controlled substance analog, when the offender knows or has 1208
reasonable cause to believe that the controlled substance or a 1209
controlled substance analog is intended for sale or resale by the 1210
offender or another person. 1211

(B) This section does not apply to any of the following:	1212
(1) Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4741., <u>and 4772.</u> of the Revised Code;	1213 1214 1215 1216 1217
(2) If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States food and drug administration;	1218 1219 1220 1221
(3) Any person who sells, offers for sale, prescribes, dispenses, or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed, or administered for that purpose in accordance with that act.	1222 1223 1224 1225 1226 1227 1228 1229
(C) Whoever violates division (A) of this section is guilty of one of the following:	1230 1231
(1) If the drug involved in the violation is any compound, mixture, preparation, or substance included in schedule I or schedule II, with the exception of marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, hashish, and any controlled substance analog, whoever violates division (A) of this section is guilty of aggravated trafficking in drugs. The penalty for the offense shall be determined as follows:	1232 1233 1234 1235 1236 1237 1238
(a) Except as otherwise provided in division (C)(1)(b), (c), (d), (e), or (f) of this section, aggravated trafficking in drugs	1239 1240

is a felony of the fourth degree, and division (C) of section 1241
2929.13 of the Revised Code applies in determining whether to 1242
impose a prison term on the offender. 1243

(b) Except as otherwise provided in division (C)(1)(c), (d), 1244
(e), or (f) of this section, if the offense was committed in the 1245
vicinity of a school, in the vicinity of a juvenile, or in the 1246
vicinity of a substance addiction services provider or a 1247
recovering addict, aggravated trafficking in drugs is a felony of 1248
the third degree, and division (C) of section 2929.13 of the 1249
Revised Code applies in determining whether to impose a prison 1250
term on the offender. 1251

(c) Except as otherwise provided in this division, if the 1252
amount of the drug involved equals or exceeds the bulk amount but 1253
is less than five times the bulk amount, aggravated trafficking in 1254
drugs is a felony of the third degree, and, except as otherwise 1255
provided in this division, there is a presumption for a prison 1256
term for the offense. If aggravated trafficking in drugs is a 1257
felony of the third degree under this division and if the offender 1258
two or more times previously has been convicted of or pleaded 1259
guilty to a felony drug abuse offense, the court shall impose as a 1260
mandatory prison term one of the prison terms prescribed for a 1261
felony of the third degree. If the amount of the drug involved is 1262
within that range and if the offense was committed in the vicinity 1263
of a school, in the vicinity of a juvenile, or in the vicinity of 1264
a substance addiction services provider or a recovering addict, 1265
aggravated trafficking in drugs is a felony of the second degree, 1266
and the court shall impose as a mandatory prison term a second 1267
degree felony mandatory prison term. 1268

(d) Except as otherwise provided in this division, if the 1269
amount of the drug involved equals or exceeds five times the bulk 1270

amount but is less than fifty times the bulk amount, aggravated
trafficking in drugs is a felony of the second degree, and the
court shall impose as a mandatory prison term a second degree
felony mandatory prison term. If the amount of the drug involved
is within that range and if the offense was committed in the
vicinity of a school, in the vicinity of a juvenile, or in the
vicinity of a substance addiction services provider or a
recovering addict, aggravated trafficking in drugs is a felony of
the first degree, and the court shall impose as a mandatory prison
term a first degree felony mandatory prison term.

(e) If the amount of the drug involved equals or exceeds
fifty times the bulk amount but is less than one hundred times the
bulk amount and regardless of whether the offense was committed in
the vicinity of a school, in the vicinity of a juvenile, or in the
vicinity of a substance addiction services provider or a
recovering addict, aggravated trafficking in drugs is a felony of
the first degree, and the court shall impose as a mandatory prison
term a first degree felony mandatory prison term.

(f) If the amount of the drug involved equals or exceeds one
hundred times the bulk amount and regardless of whether the
offense was committed in the vicinity of a school, in the vicinity
of a juvenile, or in the vicinity of a substance addiction
services provider or a recovering addict, aggravated trafficking
in drugs is a felony of the first degree, the offender is a major
drug offender, and the court shall impose as a mandatory prison
term a maximum first degree felony mandatory prison term.

(2) If the drug involved in the violation is any compound,
mixture, preparation, or substance included in schedule III, IV,
or V, whoever violates division (A) of this section is guilty of
trafficking in drugs. The penalty for the offense shall be

determined as follows:

1301

(a) Except as otherwise provided in division (C)(2)(b), (c), (d), or (e) of this section, trafficking in drugs is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

1302

1303

1304

1305

1306

(b) Except as otherwise provided in division (C)(2)(c), (d), or (e) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

1307

1308

1309

1310

1311

1312

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, trafficking in drugs is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the third degree, and there is a presumption for a prison term for the offense.

1313

1314

1315

1316

1317

1318

1319

1320

1321

1322

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, trafficking in drugs is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the second degree,

1323

1324

1325

1326

1327

1328

1329

1330

and there is a presumption for a prison term for the offense. 1331

(e) Except as otherwise provided in this division, if the 1332
amount of the drug involved equals or exceeds fifty times the bulk 1333
amount, trafficking in drugs is a felony of the second degree, and 1334
the court shall impose as a mandatory prison term a second degree 1335
felony mandatory prison term. If the amount of the drug involved 1336
equals or exceeds fifty times the bulk amount and if the offense 1337
was committed in the vicinity of a school or in the vicinity of a 1338
juvenile, trafficking in drugs is a felony of the first degree, 1339
and the court shall impose as a mandatory prison term a first 1340
degree felony mandatory prison term. 1341

(3) If the drug involved in the violation is marihuana or a 1342
compound, mixture, preparation, or substance containing marihuana 1343
other than hashish, whoever violates division (A) of this section 1344
is guilty of trafficking in marihuana. The penalty for the offense 1345
shall be determined as follows: 1346

(a) Except as otherwise provided in division (C)(3)(b), (c), 1347
(d), (e), (f), (g), or (h) of this section, trafficking in 1348
marihuana is a felony of the fifth degree, and division (B) of 1349
section 2929.13 of the Revised Code applies in determining whether 1350
to impose a prison term on the offender. 1351

(b) Except as otherwise provided in division (C)(3)(c), (d), 1352
(e), (f), (g), or (h) of this section, if the offense was 1353
committed in the vicinity of a school or in the vicinity of a 1354
juvenile, trafficking in marihuana is a felony of the fourth 1355
degree, and division (B) of section 2929.13 of the Revised Code 1356
applies in determining whether to impose a prison term on the 1357
offender. 1358

(c) Except as otherwise provided in this division, if the 1359
amount of the drug involved equals or exceeds two hundred grams 1360

but is less than one thousand grams, trafficking in marihuana is a
felony of the fourth degree, and division (B) of section 2929.13
of the Revised Code applies in determining whether to impose a
prison term on the offender. If the amount of the drug involved is
within that range and if the offense was committed in the vicinity
of a school or in the vicinity of a juvenile, trafficking in
marihuana is a felony of the third degree, and division (C) of
section 2929.13 of the Revised Code applies in determining whether
to impose a prison term on the offender.

(d) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds one thousand grams
but is less than five thousand grams, trafficking in marihuana is
a felony of the third degree, and division (C) of section 2929.13
of the Revised Code applies in determining whether to impose a
prison term on the offender. If the amount of the drug involved is
within that range and if the offense was committed in the vicinity
of a school or in the vicinity of a juvenile, trafficking in
marihuana is a felony of the second degree, and there is a
presumption that a prison term shall be imposed for the offense.

(e) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds five thousand grams
but is less than twenty thousand grams, trafficking in marihuana
is a felony of the third degree, and there is a presumption that a
prison term shall be imposed for the offense. If the amount of the
drug involved is within that range and if the offense was
committed in the vicinity of a school or in the vicinity of a
juvenile, trafficking in marihuana is a felony of the second
degree, and there is a presumption that a prison term shall be
imposed for the offense.

(f) Except as otherwise provided in this division, if the

amount of the drug involved equals or exceeds twenty thousand 1391
grams but is less than forty thousand grams, trafficking in 1392
marihuana is a felony of the second degree, and the court shall 1393
impose as a mandatory prison term a second degree felony mandatory 1394
prison term of five, six, seven, or eight years. If the amount of 1395
the drug involved is within that range and if the offense was 1396
committed in the vicinity of a school or in the vicinity of a 1397
juvenile, trafficking in marihuana is a felony of the first 1398
degree, and the court shall impose as a mandatory prison term a 1399
maximum first degree felony mandatory prison term. 1400

(g) Except as otherwise provided in this division, if the 1401
amount of the drug involved equals or exceeds forty thousand 1402
grams, trafficking in marihuana is a felony of the second degree, 1403
and the court shall impose as a mandatory prison term a maximum 1404
second degree felony mandatory prison term. If the amount of the 1405
drug involved equals or exceeds forty thousand grams and if the 1406
offense was committed in the vicinity of a school or in the 1407
vicinity of a juvenile, trafficking in marihuana is a felony of 1408
the first degree, and the court shall impose as a mandatory prison 1409
term a maximum first degree felony mandatory prison term. 1410

(h) Except as otherwise provided in this division, if the 1411
offense involves a gift of twenty grams or less of marihuana, 1412
trafficking in marihuana is a minor misdemeanor upon a first 1413
offense and a misdemeanor of the third degree upon a subsequent 1414
offense. If the offense involves a gift of twenty grams or less of 1415
marihuana and if the offense was committed in the vicinity of a 1416
school or in the vicinity of a juvenile, trafficking in marihuana 1417
is a misdemeanor of the third degree. 1418

(4) If the drug involved in the violation is cocaine or a 1419
compound, mixture, preparation, or substance containing cocaine, 1420

whoever violates division (A) of this section is guilty of 1421
trafficking in cocaine. The penalty for the offense shall be 1422
determined as follows: 1423

(a) Except as otherwise provided in division (C)(4)(b), (c), 1424
(d), (e), (f), or (g) of this section, trafficking in cocaine is a 1425
felony of the fifth degree, and division (B) of section 2929.13 of 1426
the Revised Code applies in determining whether to impose a prison 1427
term on the offender. 1428

(b) Except as otherwise provided in division (C)(4)(c), (d), 1429
(e), (f), or (g) of this section, if the offense was committed in 1430
the vicinity of a school, in the vicinity of a juvenile, or in the 1431
vicinity of a substance addiction services provider or a 1432
recovering addict, trafficking in cocaine is a felony of the 1433
fourth degree, and division (C) of section 2929.13 of the Revised 1434
Code applies in determining whether to impose a prison term on the 1435
offender. 1436

(c) Except as otherwise provided in this division, if the 1437
amount of the drug involved equals or exceeds five grams but is 1438
less than ten grams of cocaine, trafficking in cocaine is a felony 1439
of the fourth degree, and division (B) of section 2929.13 of the 1440
Revised Code applies in determining whether to impose a prison 1441
term for the offense. If the amount of the drug involved is within 1442
that range and if the offense was committed in the vicinity of a 1443
school, in the vicinity of a juvenile, or in the vicinity of a 1444
substance addiction services provider or a recovering addict, 1445
trafficking in cocaine is a felony of the third degree, and there 1446
is a presumption for a prison term for the offense. 1447

(d) Except as otherwise provided in this division, if the 1448
amount of the drug involved equals or exceeds ten grams but is 1449
less than twenty grams of cocaine, trafficking in cocaine is a 1450

felony of the third degree, and, except as otherwise provided in 1451
this division, there is a presumption for a prison term for the 1452
offense. If trafficking in cocaine is a felony of the third degree 1453
under this division and if the offender two or more times 1454
previously has been convicted of or pleaded guilty to a felony 1455
drug abuse offense, the court shall impose as a mandatory prison 1456
term one of the prison terms prescribed for a felony of the third 1457
degree. If the amount of the drug involved is within that range 1458
and if the offense was committed in the vicinity of a school, in 1459
the vicinity of a juvenile, or in the vicinity of a substance 1460
addiction services provider or a recovering addict, trafficking in 1461
cocaine is a felony of the second degree, and the court shall 1462
impose as a mandatory prison term a second degree felony mandatory 1463
prison term. 1464

(e) Except as otherwise provided in this division, if the 1465
amount of the drug involved equals or exceeds twenty grams but is 1466
less than twenty-seven grams of cocaine, trafficking in cocaine is 1467
a felony of the second degree, and the court shall impose as a 1468
mandatory prison term a second degree felony mandatory prison 1469
term. If the amount of the drug involved is within that range and 1470
if the offense was committed in the vicinity of a school, in the 1471
vicinity of a juvenile, or in the vicinity of a substance 1472
addiction services provider or a recovering addict, trafficking in 1473
cocaine is a felony of the first degree, and the court shall 1474
impose as a mandatory prison term a first degree felony mandatory 1475
prison term. 1476

(f) If the amount of the drug involved equals or exceeds 1477
twenty-seven grams but is less than one hundred grams of cocaine 1478
and regardless of whether the offense was committed in the 1479
vicinity of a school, in the vicinity of a juvenile, or in the 1480
vicinity of a substance addiction services provider or a 1481

recovering addict, trafficking in cocaine is a felony of the first 1482
 degree, and the court shall impose as a mandatory prison term a 1483
 first degree felony mandatory prison term. 1484

(g) If the amount of the drug involved equals or exceeds one 1485
 hundred grams of cocaine and regardless of whether the offense was 1486
 committed in the vicinity of a school, in the vicinity of a 1487
 juvenile, or in the vicinity of a substance addiction services 1488
 provider or a recovering addict, trafficking in cocaine is a 1489
 felony of the first degree, the offender is a major drug offender, 1490
 and the court shall impose as a mandatory prison term a maximum 1491
 first degree felony mandatory prison term. 1492

(5) If the drug involved in the violation is L.S.D. or a 1493
 compound, mixture, preparation, or substance containing L.S.D., 1494
 whoever violates division (A) of this section is guilty of 1495
 trafficking in L.S.D. The penalty for the offense shall be 1496
 determined as follows: 1497

(a) Except as otherwise provided in division (C)(5)(b), (c), 1498
 (d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 1499
 felony of the fifth degree, and division (B) of section 2929.13 of 1500
 the Revised Code applies in determining whether to impose a prison 1501
 term on the offender. 1502

(b) Except as otherwise provided in division (C)(5)(c), (d), 1503
 (e), (f), or (g) of this section, if the offense was committed in 1504
 the vicinity of a school, in the vicinity of a juvenile, or in the 1505
 vicinity of a substance addiction services provider or a 1506
 recovering addict, trafficking in L.S.D. is a felony of the fourth 1507
 degree, and division (C) of section 2929.13 of the Revised Code 1508
 applies in determining whether to impose a prison term on the 1509
 offender. 1510

(c) Except as otherwise provided in this division, if the 1511

amount of the drug involved equals or exceeds ten unit doses but 1512
is less than fifty unit doses of L.S.D. in a solid form or equals 1513
or exceeds one gram but is less than five grams of L.S.D. in a 1514
liquid concentrate, liquid extract, or liquid distillate form, 1515
trafficking in L.S.D. is a felony of the fourth degree, and 1516
division (B) of section 2929.13 of the Revised Code applies in 1517
determining whether to impose a prison term for the offense. If 1518
the amount of the drug involved is within that range and if the 1519
offense was committed in the vicinity of a school, in the vicinity 1520
of a juvenile, or in the vicinity of a substance addiction 1521
services provider or a recovering addict, trafficking in L.S.D. is 1522
a felony of the third degree, and there is a presumption for a 1523
prison term for the offense. 1524

(d) Except as otherwise provided in this division, if the 1525
amount of the drug involved equals or exceeds fifty unit doses but 1526
is less than two hundred fifty unit doses of L.S.D. in a solid 1527
form or equals or exceeds five grams but is less than twenty-five 1528
grams of L.S.D. in a liquid concentrate, liquid extract, or liquid 1529
distillate form, trafficking in L.S.D. is a felony of the third 1530
degree, and, except as otherwise provided in this division, there 1531
is a presumption for a prison term for the offense. If trafficking 1532
in L.S.D. is a felony of the third degree under this division and 1533
if the offender two or more times previously has been convicted of 1534
or pleaded guilty to a felony drug abuse offense, the court shall 1535
impose as a mandatory prison term one of the prison terms 1536
prescribed for a felony of the third degree. If the amount of the 1537
drug involved is within that range and if the offense was 1538
committed in the vicinity of a school, in the vicinity of a 1539
juvenile, or in the vicinity of a substance addiction services 1540
provider or a recovering addict, trafficking in L.S.D. is a felony 1541
of the second degree, and the court shall impose as a mandatory 1542

prison term a second degree felony mandatory prison term. 1543

(e) Except as otherwise provided in this division, if the 1544
amount of the drug involved equals or exceeds two hundred fifty 1545
unit doses but is less than one thousand unit doses of L.S.D. in a 1546
solid form or equals or exceeds twenty-five grams but is less than 1547
one hundred grams of L.S.D. in a liquid concentrate, liquid 1548
extract, or liquid distillate form, trafficking in L.S.D. is a 1549
felony of the second degree, and the court shall impose as a 1550
mandatory prison term a second degree felony mandatory prison 1551
term. If the amount of the drug involved is within that range and 1552
if the offense was committed in the vicinity of a school, in the 1553
vicinity of a juvenile, or in the vicinity of a substance 1554
addiction services provider or a recovering addict, trafficking in 1555
L.S.D. is a felony of the first degree, and the court shall impose 1556
as a mandatory prison term a first degree felony mandatory prison 1557
term. 1558

(f) If the amount of the drug involved equals or exceeds one 1559
thousand unit doses but is less than five thousand unit doses of 1560
L.S.D. in a solid form or equals or exceeds one hundred grams but 1561
is less than five hundred grams of L.S.D. in a liquid concentrate, 1562
liquid extract, or liquid distillate form and regardless of 1563
whether the offense was committed in the vicinity of a school, in 1564
the vicinity of a juvenile, or in the vicinity of a substance 1565
addiction services provider or a recovering addict, trafficking in 1566
L.S.D. is a felony of the first degree, and the court shall impose 1567
as a mandatory prison term a first degree felony mandatory prison 1568
term. 1569

(g) If the amount of the drug involved equals or exceeds five 1570
thousand unit doses of L.S.D. in a solid form or equals or exceeds 1571
five hundred grams of L.S.D. in a liquid concentrate, liquid 1572

extract, or liquid distillate form and regardless of whether the
offense was committed in the vicinity of a school, in the vicinity
of a juvenile, or in the vicinity of a substance addiction
services provider or a recovering addict, trafficking in L.S.D. is
a felony of the first degree, the offender is a major drug
offender, and the court shall impose as a mandatory prison term a
maximum first degree felony mandatory prison term.

(6) If the drug involved in the violation is heroin or a
compound, mixture, preparation, or substance containing heroin,
whoever violates division (A) of this section is guilty of
trafficking in heroin. The penalty for the offense shall be
determined as follows:

(a) Except as otherwise provided in division (C)(6)(b), (c),
(d), (e), (f), or (g) of this section, trafficking in heroin is a
felony of the fifth degree, and division (B) of section 2929.13 of
the Revised Code applies in determining whether to impose a prison
term on the offender.

(b) Except as otherwise provided in division (C)(6)(c), (d),
(e), (f), or (g) of this section, if the offense was committed in
the vicinity of a school, in the vicinity of a juvenile, or in the
vicinity of a substance addiction services provider or a
recovering addict, trafficking in heroin is a felony of the fourth
degree, and division (C) of section 2929.13 of the Revised Code
applies in determining whether to impose a prison term on the
offender.

(c) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds ten unit doses but
is less than fifty unit doses or equals or exceeds one gram but is
less than five grams, trafficking in heroin is a felony of the
fourth degree, and division (B) of section 2929.13 of the Revised

Code applies in determining whether to impose a prison term for
the offense. If the amount of the drug involved is within that
range and if the offense was committed in the vicinity of a
school, in the vicinity of a juvenile, or in the vicinity of a
substance addiction services provider or a recovering addict,
trafficking in heroin is a felony of the third degree, and there
is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds fifty unit doses but
is less than one hundred unit doses or equals or exceeds five
grams but is less than ten grams, trafficking in heroin is a
felony of the third degree, and there is a presumption for a
prison term for the offense. If the amount of the drug involved is
within that range and if the offense was committed in the vicinity
of a school, in the vicinity of a juvenile, or in the vicinity of
a substance addiction services provider or a recovering addict,
trafficking in heroin is a felony of the second degree, and there
is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds one hundred unit
doses but is less than five hundred unit doses or equals or
exceeds ten grams but is less than fifty grams, trafficking in
heroin is a felony of the second degree, and the court shall
impose as a mandatory prison term a second degree felony mandatory
prison term. If the amount of the drug involved is within that
range and if the offense was committed in the vicinity of a
school, in the vicinity of a juvenile, or in the vicinity of a
substance addiction services provider or a recovering addict,
trafficking in heroin is a felony of the first degree, and the
court shall impose as a mandatory prison term a first degree
felony mandatory prison term.

(f) If the amount of the drug involved equals or exceeds five hundred unit doses but is less than one thousand unit doses or equals or exceeds fifty grams but is less than one hundred grams and regardless of whether the offense was committed in the vicinity of a school, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider or a recovering addict, trafficking in heroin is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

(g) If the amount of the drug involved equals or exceeds one thousand unit doses or equals or exceeds one hundred grams and regardless of whether the offense was committed in the vicinity of a school, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider or a recovering addict, trafficking in heroin is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.

(7) If the drug involved in the violation is hashish or a compound, mixture, preparation, or substance containing hashish, whoever violates division (A) of this section is guilty of trafficking in hashish. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(7)(b), (c), (d), (e), (f), or (g) of this section, trafficking in hashish is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(7)(c), (d), (e), (f), or (g) of this section, if the offense was committed in

the vicinity of a school, in the vicinity of a juvenile, or in the
vicinity of a substance addiction services provider or a
recovering addict, trafficking in hashish is a felony of the
fourth degree, and division (B) of section 2929.13 of the Revised
Code applies in determining whether to impose a prison term on the
offender.

(c) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds ten grams but is
less than fifty grams of hashish in a solid form or equals or
exceeds two grams but is less than ten grams of hashish in a
liquid concentrate, liquid extract, or liquid distillate form,
trafficking in hashish is a felony of the fourth degree, and
division (B) of section 2929.13 of the Revised Code applies in
determining whether to impose a prison term on the offender. If
the amount of the drug involved is within that range and if the
offense was committed in the vicinity of a school, in the vicinity
of a juvenile, or in the vicinity of a substance addiction
services provider or a recovering addict, trafficking in hashish
is a felony of the third degree, and division (C) of section
2929.13 of the Revised Code applies in determining whether to
impose a prison term on the offender.

(d) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds fifty grams but is
less than two hundred fifty grams of hashish in a solid form or
equals or exceeds ten grams but is less than fifty grams of
hashish in a liquid concentrate, liquid extract, or liquid
distillate form, trafficking in hashish is a felony of the third
degree, and division (C) of section 2929.13 of the Revised Code
applies in determining whether to impose a prison term on the
offender. If the amount of the drug involved is within that range
and if the offense was committed in the vicinity of a school, in

the vicinity of a juvenile, or in the vicinity of a substance 1695
addiction services provider or a recovering addict, trafficking in 1696
hashish is a felony of the second degree, and there is a 1697
presumption that a prison term shall be imposed for the offense. 1698

(e) Except as otherwise provided in this division, if the 1699
amount of the drug involved equals or exceeds two hundred fifty 1700
grams but is less than one thousand grams of hashish in a solid 1701
form or equals or exceeds fifty grams but is less than two hundred 1702
grams of hashish in a liquid concentrate, liquid extract, or 1703
liquid distillate form, trafficking in hashish is a felony of the 1704
third degree, and there is a presumption that a prison term shall 1705
be imposed for the offense. If the amount of the drug involved is 1706
within that range and if the offense was committed in the vicinity 1707
of a school, in the vicinity of a juvenile, or in the vicinity of 1708
a substance addiction services provider or a recovering addict, 1709
trafficking in hashish is a felony of the second degree, and there 1710
is a presumption that a prison term shall be imposed for the 1711
offense. 1712

(f) Except as otherwise provided in this division, if the 1713
amount of the drug involved equals or exceeds one thousand grams 1714
but is less than two thousand grams of hashish in a solid form or 1715
equals or exceeds two hundred grams but is less than four hundred 1716
grams of hashish in a liquid concentrate, liquid extract, or 1717
liquid distillate form, trafficking in hashish is a felony of the 1718
second degree, and the court shall impose as a mandatory prison 1719
term a second degree felony mandatory prison term of five, six, 1720
seven, or eight years. If the amount of the drug involved is 1721
within that range and if the offense was committed in the vicinity 1722
of a school, in the vicinity of a juvenile, or in the vicinity of 1723
a substance addiction services provider or a recovering addict, 1724
trafficking in hashish is a felony of the first degree, and the 1725

court shall impose as a mandatory prison term a maximum first 1726
 degree felony mandatory prison term. 1727

(g) Except as otherwise provided in this division, if the 1728
 amount of the drug involved equals or exceeds two thousand grams 1729
 of hashish in a solid form or equals or exceeds four hundred grams 1730
 of hashish in a liquid concentrate, liquid extract, or liquid 1731
 distillate form, trafficking in hashish is a felony of the second 1732
 degree, and the court shall impose as a mandatory prison term a 1733
 maximum second degree felony mandatory prison term. If the amount 1734
 of the drug involved equals or exceeds two thousand grams of 1735
 hashish in a solid form or equals or exceeds four hundred grams of 1736
 hashish in a liquid concentrate, liquid extract, or liquid 1737
 distillate form and if the offense was committed in the vicinity 1738
 of a school, in the vicinity of a juvenile, or in the vicinity of 1739
 a substance addiction services provider or a recovering addict, 1740
 trafficking in hashish is a felony of the first degree, and the 1741
 court shall impose as a mandatory prison term a maximum first 1742
 degree felony mandatory prison term. 1743

(8) If the drug involved in the violation is a controlled 1744
 substance analog or compound, mixture, preparation, or substance 1745
 that contains a controlled substance analog, whoever violates 1746
 division (A) of this section is guilty of trafficking in a 1747
 controlled substance analog. The penalty for the offense shall be 1748
 determined as follows: 1749

(a) Except as otherwise provided in division (C)(8)(b), (c), 1750
 (d), (e), (f), or (g) of this section, trafficking in a controlled 1751
 substance analog is a felony of the fifth degree, and division (C) 1752
 of section 2929.13 of the Revised Code applies in determining 1753
 whether to impose a prison term on the offender. 1754

(b) Except as otherwise provided in division (C)(8)(c), (d), 1755

(e), (f), or (g) of this section, if the offense was committed in the vicinity of a school, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider or a recovering addict, trafficking in a controlled substance analog is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than twenty grams, trafficking in a controlled substance analog is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider or a recovering addict, trafficking in a controlled substance analog is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty grams but is less than thirty grams, trafficking in a controlled substance analog is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider or a recovering addict, trafficking in a controlled substance analog is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds thirty grams but is less than forty grams, trafficking in a controlled substance analog is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider or a recovering addict, trafficking in a controlled substance analog is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

(f) If the amount of the drug involved equals or exceeds forty grams but is less than fifty grams and regardless of whether the offense was committed in the vicinity of a school, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider or a recovering addict, trafficking in a controlled substance analog is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

(g) If the amount of the drug involved equals or exceeds fifty grams and regardless of whether the offense was committed in the vicinity of a school, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider or a recovering addict, trafficking in a controlled substance analog is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.

(9) If the drug involved in the violation is a fentanyl-related compound or a compound, mixture, preparation, or

substance containing a fentanyl-related compound and division 1816
(C)(10)(a) of this section does not apply to the drug involved, 1817
whoever violates division (A) of this section is guilty of 1818
trafficking in a fentanyl-related compound. The penalty for the 1819
offense shall be determined as follows: 1820

(a) Except as otherwise provided in division (C)(9)(b), (c), 1821
(d), (e), (f), (g), or (h) of this section, trafficking in a 1822
fentanyl-related compound is a felony of the fifth degree, and 1823
division (B) of section 2929.13 of the Revised Code applies in 1824
determining whether to impose a prison term on the offender. 1825

(b) Except as otherwise provided in division (C)(9)(c), (d), 1826
(e), (f), (g), or (h) of this section, if the offense was 1827
committed in the vicinity of a school, in the vicinity of a 1828
juvenile, or in the vicinity of a substance addiction services 1829
provider or a recovering addict, trafficking in a fentanyl-related 1830
compound is a felony of the fourth degree, and division (C) of 1831
section 2929.13 of the Revised Code applies in determining whether 1832
to impose a prison term on the offender. 1833

(c) Except as otherwise provided in this division, if the 1834
amount of the drug involved equals or exceeds ten unit doses but 1835
is less than fifty unit doses or equals or exceeds one gram but is 1836
less than five grams, trafficking in a fentanyl-related compound 1837
is a felony of the fourth degree, and division (B) of section 1838
2929.13 of the Revised Code applies in determining whether to 1839
impose a prison term for the offense. If the amount of the drug 1840
involved is within that range and if the offense was committed in 1841
the vicinity of a school, in the vicinity of a juvenile, or in the 1842
vicinity of a substance addiction services provider or a 1843
recovering addict, trafficking in a fentanyl-related compound is a 1844
felony of the third degree, and there is a presumption for a 1845

prison term for the offense. 1846

(d) Except as otherwise provided in this division, if the 1847
amount of the drug involved equals or exceeds fifty unit doses but 1848
is less than one hundred unit doses or equals or exceeds five 1849
grams but is less than ten grams, trafficking in a 1850
fentanyl-related compound is a felony of the third degree, and 1851
there is a presumption for a prison term for the offense. If the 1852
amount of the drug involved is within that range and if the 1853
offense was committed in the vicinity of a school, in the vicinity 1854
of a juvenile, or in the vicinity of a substance addiction 1855
services provider or a recovering addict, trafficking in a 1856
fentanyl-related compound is a felony of the second degree, and 1857
there is a presumption for a prison term for the offense. 1858

(e) Except as otherwise provided in this division, if the 1859
amount of the drug involved equals or exceeds one hundred unit 1860
doses but is less than two hundred unit doses or equals or exceeds 1861
ten grams but is less than twenty grams, trafficking in a 1862
fentanyl-related compound is a felony of the second degree, and 1863
the court shall impose as a mandatory prison term one of the 1864
prison terms prescribed for a felony of the second degree. If the 1865
amount of the drug involved is within that range and if the 1866
offense was committed in the vicinity of a school, in the vicinity 1867
of a juvenile, or in the vicinity of a substance addiction 1868
services provider or a recovering addict, trafficking in a 1869
fentanyl-related compound is a felony of the first degree, and the 1870
court shall impose as a mandatory prison term one of the prison 1871
terms prescribed for a felony of the first degree. 1872

(f) If the amount of the drug involved equals or exceeds two 1873
hundred unit doses but is less than five hundred unit doses or 1874
equals or exceeds twenty grams but is less than fifty grams and 1875

regardless of whether the offense was committed in the vicinity of 1876
a school, in the vicinity of a juvenile, or in the vicinity of a 1877
substance addiction services provider or a recovering addict, 1878
trafficking in a fentanyl-related compound is a felony of the 1879
first degree, and the court shall impose as a mandatory prison 1880
term one of the prison terms prescribed for a felony of the first 1881
degree. 1882

(g) If the amount of the drug involved equals or exceeds five 1883
hundred unit doses but is less than one thousand unit doses or 1884
equals or exceeds fifty grams but is less than one hundred grams 1885
and regardless of whether the offense was committed in the 1886
vicinity of a school, in the vicinity of a juvenile, or in the 1887
vicinity of a substance addiction services provider or a 1888
recovering addict, trafficking in a fentanyl-related compound is a 1889
felony of the first degree, and the court shall impose as a 1890
mandatory prison term the maximum prison term prescribed for a 1891
felony of the first degree. 1892

(h) If the amount of the drug involved equals or exceeds one 1893
thousand unit doses or equals or exceeds one hundred grams and 1894
regardless of whether the offense was committed in the vicinity of 1895
a school, in the vicinity of a juvenile, or in the vicinity of a 1896
substance addiction services provider or a recovering addict, 1897
trafficking in a fentanyl-related compound is a felony of the 1898
first degree, the offender is a major drug offender, and the court 1899
shall impose as a mandatory prison term the maximum prison term 1900
prescribed for a felony of the first degree. 1901

(10) If the drug involved in the violation is a compound, 1902
mixture, preparation, or substance that is a combination of a 1903
fentanyl-related compound and marihuana, one of the following 1904
applies: 1905

(a) Except as otherwise provided in division (C)(10)(b) of this section, the offender is guilty of trafficking in marihuana and shall be punished under division (C)(3) of this section. The offender is not guilty of trafficking in a fentanyl-related compound and shall not be charged with, convicted of, or punished under division (C)(9) of this section for trafficking in a fentanyl-related compound.

(b) If the offender knows or has reason to know that the compound, mixture, preparation, or substance that is the drug involved contains a fentanyl-related compound, the offender is guilty of trafficking in a fentanyl-related compound and shall be punished under division (C)(9) of this section.

(D) In addition to any prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section may suspend the driver's or commercial driver's license or permit of the offender in accordance with division (G) of this section. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit in accordance with division (G) of this section. If applicable, the court also shall do the following:

(1) If the violation of division (A) of this section is a felony of the first, second, or third degree, the court shall

impose upon the offender the mandatory fine specified for the
offense under division (B)(1) of section 2929.18 of the Revised
Code unless, as specified in that division, the court determines
that the offender is indigent. Except as otherwise provided in
division (H)(1) of this section, a mandatory fine or any other
fine imposed for a violation of this section is subject to
division (F) of this section. If a person is charged with a
violation of this section that is a felony of the first, second,
or third degree, posts bail, and forfeits the bail, the clerk of
the court shall pay the forfeited bail pursuant to divisions
(D)(1) and (F) of this section, as if the forfeited bail was a
fine imposed for a violation of this section. If any amount of the
forfeited bail remains after that payment and if a fine is imposed
under division (H)(1) of this section, the clerk of the court
shall pay the remaining amount of the forfeited bail pursuant to
divisions (H)(2) and (3) of this section, as if that remaining
amount was a fine imposed under division (H)(1) of this section.

(2) If the offender is a professionally licensed person, the
court immediately shall comply with section 2925.38 of the Revised
Code.

(E) When a person is charged with the sale of or offer to
sell a bulk amount or a multiple of a bulk amount of a controlled
substance, the jury, or the court trying the accused, shall
determine the amount of the controlled substance involved at the
time of the offense and, if a guilty verdict is returned, shall
return the findings as part of the verdict. In any such case, it
is unnecessary to find and return the exact amount of the
controlled substance involved, and it is sufficient if the finding
and return is to the effect that the amount of the controlled
substance involved is the requisite amount, or that the amount of
the controlled substance involved is less than the requisite

amount. 1967

(F)(1) Notwithstanding any contrary provision of section 1968
 3719.21 of the Revised Code and except as provided in division (H) 1969
 of this section, the clerk of the court shall pay any mandatory 1970
 fine imposed pursuant to division (D)(1) of this section and any 1971
 fine other than a mandatory fine that is imposed for a violation 1972
 of this section pursuant to division (A) or (B)(5) of section 1973
 2929.18 of the Revised Code to the county, township, municipal 1974
 corporation, park district, as created pursuant to section 511.18 1975
 or 1545.04 of the Revised Code, or state law enforcement agencies 1976
 in this state that primarily were responsible for or involved in 1977
 making the arrest of, and in prosecuting, the offender. However, 1978
 the clerk shall not pay a mandatory fine so imposed to a law 1979
 enforcement agency unless the agency has adopted a written 1980
 internal control policy under division (F)(2) of this section that 1981
 addresses the use of the fine moneys that it receives. Each agency 1982
 shall use the mandatory fines so paid to subsidize the agency's 1983
 law enforcement efforts that pertain to drug offenses, in 1984
 accordance with the written internal control policy adopted by the 1985
 recipient agency under division (F)(2) of this section. 1986

(2) Prior to receiving any fine moneys under division (F)(1) 1987
 of this section or division (B) of section 2925.42 of the Revised 1988
 Code, a law enforcement agency shall adopt a written internal 1989
 control policy that addresses the agency's use and disposition of 1990
 all fine moneys so received and that provides for the keeping of 1991
 detailed financial records of the receipts of those fine moneys, 1992
 the general types of expenditures made out of those fine moneys, 1993
 and the specific amount of each general type of expenditure. The 1994
 policy shall not provide for or permit the identification of any 1995
 specific expenditure that is made in an ongoing investigation. All 1996
 financial records of the receipts of those fine moneys, the 1997

general types of expenditures made out of those fine moneys, and 1998
the specific amount of each general type of expenditure by an 1999
agency are public records open for inspection under section 149.43 2000
of the Revised Code. Additionally, a written internal control 2001
policy adopted under this division is such a public record, and 2002
the agency that adopted it shall comply with it. 2003

(3) As used in division (F) of this section: 2004

(a) "Law enforcement agencies" includes, but is not limited 2005
to, the state board of pharmacy and the office of a prosecutor. 2006

(b) "Prosecutor" has the same meaning as in section 2935.01 2007
of the Revised Code. 2008

(G)(1) If the sentencing court suspends the offender's 2009
driver's or commercial driver's license or permit under division 2010
(D) of this section or any other provision of this chapter, the 2011
court shall suspend the license, by order, for not more than five 2012
years. If an offender's driver's or commercial driver's license or 2013
permit is suspended pursuant to this division, the offender, at 2014
any time after the expiration of two years from the day on which 2015
the offender's sentence was imposed or from the day on which the 2016
offender finally was released from a prison term under the 2017
sentence, whichever is later, may file a motion with the 2018
sentencing court requesting termination of the suspension; upon 2019
the filing of such a motion and the court's finding of good cause 2020
for the termination, the court may terminate the suspension. 2021

(2) Any offender who received a mandatory suspension of the 2022
offender's driver's or commercial driver's license or permit under 2023
this section prior to September 13, 2016, may file a motion with 2024
the sentencing court requesting the termination of the suspension. 2025
However, an offender who pleaded guilty to or was convicted of a 2026
violation of section 4511.19 of the Revised Code or a 2027

substantially similar municipal ordinance or law of another state 2028
or the United States that arose out of the same set of 2029
circumstances as the violation for which the offender's license or 2030
permit was suspended under this section shall not file such a 2031
motion. 2032

Upon the filing of a motion under division (G)(2) of this 2033
section, the sentencing court, in its discretion, may terminate 2034
the suspension. 2035

(H)(1) In addition to any prison term authorized or required 2036
by division (C) of this section and sections 2929.13 and 2929.14 2037
of the Revised Code, in addition to any other penalty or sanction 2038
imposed for the offense under this section or sections 2929.11 to 2039
2929.18 of the Revised Code, and in addition to the forfeiture of 2040
property in connection with the offense as prescribed in Chapter 2041
2981. of the Revised Code, the court that sentences an offender 2042
who is convicted of or pleads guilty to a violation of division 2043
(A) of this section may impose upon the offender an additional 2044
fine specified for the offense in division (B)(4) of section 2045
2929.18 of the Revised Code. A fine imposed under division (H)(1) 2046
of this section is not subject to division (F) of this section and 2047
shall be used solely for the support of one or more eligible 2048
community addiction services providers in accordance with 2049
divisions (H)(2) and (3) of this section. 2050

(2) The court that imposes a fine under division (H)(1) of 2051
this section shall specify in the judgment that imposes the fine 2052
one or more eligible community addiction services providers for 2053
the support of which the fine money is to be used. No community 2054
addiction services provider shall receive or use money paid or 2055
collected in satisfaction of a fine imposed under division (H)(1) 2056
of this section unless the services provider is specified in the 2057

judgment that imposes the fine. No community addiction services
provider shall be specified in the judgment unless the services
provider is an eligible community addiction services provider and,
except as otherwise provided in division (H)(2) of this section,
unless the services provider is located in the county in which the
court that imposes the fine is located or in a county that is
immediately contiguous to the county in which that court is
located. If no eligible community addiction services provider is
located in any of those counties, the judgment may specify an
eligible community addiction services provider that is located
anywhere within this state.

(3) Notwithstanding any contrary provision of section 3719.21
of the Revised Code, the clerk of the court shall pay any fine
imposed under division (H)(1) of this section to the eligible
community addiction services provider specified pursuant to
division (H)(2) of this section in the judgment. The eligible
community addiction services provider that receives the fine
moneys shall use the moneys only for the alcohol and drug
addiction services identified in the application for certification
of services under section 5119.36 of the Revised Code or in the
application for a license under section 5119.37 of the Revised
Code filed with the department of mental health and addiction
services by the community addiction services provider specified in
the judgment.

(4) Each community addiction services provider that receives
in a calendar year any fine moneys under division (H)(3) of this
section shall file an annual report covering that calendar year
with the court of common pleas and the board of county
commissioners of the county in which the services provider is
located, with the court of common pleas and the board of county
commissioners of each county from which the services provider

received the moneys if that county is different from the county in 2089
which the services provider is located, and with the attorney 2090
general. The community addiction services provider shall file the 2091
report no later than the first day of March in the calendar year 2092
following the calendar year in which the services provider 2093
received the fine moneys. The report shall include statistics on 2094
the number of persons served by the community addiction services 2095
provider, identify the types of alcohol and drug addiction 2096
services provided to those persons, and include a specific 2097
accounting of the purposes for which the fine moneys received were 2098
used. No information contained in the report shall identify, or 2099
enable a person to determine the identity of, any person served by 2100
the community addiction services provider. Each report received by 2101
a court of common pleas, a board of county commissioners, or the 2102
attorney general is a public record open for inspection under 2103
section 149.43 of the Revised Code. 2104

(5) As used in divisions (H)(1) to (5) of this section: 2105

(a) "Community addiction services provider" and "alcohol and 2106
drug addiction services" have the same meanings as in section 2107
5119.01 of the Revised Code. 2108

(b) "Eligible community addiction services provider" means a 2109
community addiction services provider, including a community 2110
addiction services provider that operates an opioid treatment 2111
program licensed under section 5119.37 of the Revised Code. 2112

(I) As used in this section, "drug" includes any substance 2113
that is represented to be a drug. 2114

(J) It is an affirmative defense to a charge of trafficking 2115
in a controlled substance analog under division (C)(8) of this 2116
section that the person charged with violating that offense sold 2117
or offered to sell, or prepared for shipment, shipped, 2118

transported, delivered, prepared for distribution, or distributed 2119
 one of the following items that are excluded from the meaning of 2120
 "controlled substance analog" under section 3719.01 of the Revised 2121
 Code: 2122

(1) A controlled substance; 2123

(2) Any substance for which there is an approved new drug 2124
 application; 2125

(3) With respect to a particular person, any substance if an 2126
 exemption is in effect for investigational use for that person 2127
 pursuant to federal law to the extent that conduct with respect to 2128
 that substance is pursuant to that exemption. 2129

Sec. 2925.11. (A) No person shall knowingly obtain, possess, 2130
 or use a controlled substance or a controlled substance analog. 2131

(B)(1) This section does not apply to any of the following: 2132

(a) Manufacturers, licensed health professionals authorized 2133
 to prescribe drugs, pharmacists, owners of pharmacies, and other 2134
 persons whose conduct was in accordance with Chapters 3719., 2135
 4715., 4723., 4729., 4730., 4731., ~~and 4741.~~ and 4772. of the 2136
 Revised Code; 2137

(b) If the offense involves an anabolic steroid, any person 2138
 who is conducting or participating in a research project involving 2139
 the use of an anabolic steroid if the project has been approved by 2140
 the United States food and drug administration; 2141

(c) Any person who sells, offers for sale, prescribes, 2142
 dispenses, or administers for livestock or other nonhuman species 2143
 an anabolic steroid that is expressly intended for administration 2144
 through implants to livestock or other nonhuman species and 2145
 approved for that purpose under the "Federal Food, Drug, and 2146

Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 2147
and is sold, offered for sale, prescribed, dispensed, or 2148
administered for that purpose in accordance with that act; 2149

(d) Any person who obtained the controlled substance pursuant 2150
to a prescription issued by a licensed health professional 2151
authorized to prescribe drugs if the prescription was issued for a 2152
legitimate medical purpose and not altered, forged, or obtained 2153
through deception or commission of a theft offense. 2154

As used in division (B)(1)(d) of this section, "deception" 2155
and "theft offense" have the same meanings as in section 2913.01 2156
of the Revised Code. 2157

(2)(a) As used in division (B)(2) of this section: 2158

(i) "Community addiction services provider" has the same 2159
meaning as in section 5119.01 of the Revised Code. 2160

(ii) "Community control sanction" and "drug treatment 2161
program" have the same meanings as in section 2929.01 of the 2162
Revised Code. 2163

(iii) "Health care facility" has the same meaning as in 2164
section 2919.16 of the Revised Code. 2165

(iv) "Minor drug possession offense" means a violation of 2166
this section that is a misdemeanor or a felony of the fifth 2167
degree. 2168

(v) "Post-release control sanction" has the same meaning as 2169
in section 2967.28 of the Revised Code. 2170

(vi) "Peace officer" has the same meaning as in section 2171
2935.01 of the Revised Code. 2172

(vii) "Public agency" has the same meaning as in section 2173
2930.01 of the Revised Code. 2174

(viii) "Qualified individual" means a person who is acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B)(2)(b) of this section.

(ix) "Seek or obtain medical assistance" includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or presenting a person to a health care facility.

(b) Subject to division (B)(2)(e) of this section, a qualified individual shall not be arrested, charged, prosecuted, convicted, or penalized pursuant to this chapter for a minor drug possession offense or a violation of section 2925.12, division (C)(1) of section 2925.14, or section 2925.141 of the Revised Code if all of the following apply:

(i) The evidence of the obtaining, possession, or use of the controlled substance or controlled substance analog, drug abuse instruments, or drug paraphernalia that would be the basis of the offense was obtained as a result of the qualified individual seeking the medical assistance or experiencing an overdose and needing medical assistance.

(ii) Subject to division (B)(2)(f) of this section, within thirty days after seeking or obtaining the medical assistance, the qualified individual seeks and obtains a screening and receives a referral for treatment from a community addiction services provider or a properly credentialed addiction treatment professional.

(iii) Subject to division (B)(2)(f) of this section, the

qualified individual who obtains a screening and receives a 2205
referral for treatment under division (B)(2)(b)(ii) of this 2206
section, upon the request of any prosecuting attorney, submits 2207
documentation to the prosecuting attorney that verifies that the 2208
qualified individual satisfied the requirements of that division. 2209
The documentation shall be limited to the date and time of the 2210
screening obtained and referral received. 2211

(c) If a person who is serving a community control sanction 2212
or is under a sanction on post-release control acts pursuant to 2213
division (B)(2)(b) of this section, then division (B) of section 2214
2929.141, division (B)(2) of section 2929.15, division (D)(3) of 2215
section 2929.25, or division (F)(3) of section 2967.28 of the 2216
Revised Code applies to the person with respect to any violation 2217
of the sanction or post-release control sanction based on a minor 2218
drug possession offense, as defined in section 2925.11 of the 2219
Revised Code, or a violation of section 2925.12, division (C)(1) 2220
of section 2925.14, or section 2925.141 of the Revised Code. 2221

(d) Nothing in division (B)(2)(b) of this section shall be 2222
construed to do any of the following: 2223

(i) Limit the admissibility of any evidence in connection 2224
with the investigation or prosecution of a crime with regards to a 2225
defendant who does not qualify for the protections of division 2226
(B)(2)(b) of this section or with regards to any crime other than 2227
a minor drug possession offense or a violation of section 2925.12, 2228
division (C)(1) of section 2925.14, or section 2925.141 of the 2229
Revised Code committed by a person who qualifies for protection 2230
pursuant to division (B)(2)(b) of this section; 2231

(ii) Limit any seizure of evidence or contraband otherwise 2232
permitted by law; 2233

(iii) Limit or abridge the authority of a peace officer to 2234

detain or take into custody a person in the course of an 2235
 investigation or to effectuate an arrest for any offense except as 2236
 provided in that division; 2237

(iv) Limit, modify, or remove any immunity from liability 2238
 available pursuant to law in effect prior to September 13, 2016, 2239
 to any public agency or to an employee of any public agency. 2240

(e) Division (B)(2)(b) of this section does not apply to any 2241
 person who twice previously has been granted an immunity under 2242
 division (B)(2)(b) of this section. No person shall be granted an 2243
 immunity under division (B)(2)(b) of this section more than two 2244
 times. 2245

(f) Nothing in this section shall compel any qualified 2246
 individual to disclose protected health information in a way that 2247
 conflicts with the requirements of the "Health Insurance 2248
 Portability and Accountability Act of 1996," 104 Pub. L. No. 191, 2249
 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 2250
 regulations promulgated by the United States department of health 2251
 and human services to implement the act or the requirements of 42 2252
 C.F.R. Part 2. 2253

(C) Whoever violates division (A) of this section is guilty 2254
 of one of the following: 2255

(1) If the drug involved in the violation is a compound, 2256
 mixture, preparation, or substance included in schedule I or II, 2257
 with the exception of marihuana, cocaine, L.S.D., heroin, any 2258
 fentanyl-related compound, hashish, and any controlled substance 2259
 analog, whoever violates division (A) of this section is guilty of 2260
 aggravated possession of drugs. The penalty for the offense shall 2261
 be determined as follows: 2262

(a) Except as otherwise provided in division (C)(1)(b), (c), 2263

(d), or (e) of this section, aggravated possession of drugs is a 2264
felony of the fifth degree, and division (B) of section 2929.13 of 2265
the Revised Code applies in determining whether to impose a prison 2266
term on the offender. 2267

(b) If the amount of the drug involved equals or exceeds the 2268
bulk amount but is less than five times the bulk amount, 2269
aggravated possession of drugs is a felony of the third degree, 2270
and there is a presumption for a prison term for the offense. 2271

(c) If the amount of the drug involved equals or exceeds five 2272
times the bulk amount but is less than fifty times the bulk 2273
amount, aggravated possession of drugs is a felony of the second 2274
degree, and the court shall impose as a mandatory prison term a 2275
second degree felony mandatory prison term. 2276

(d) If the amount of the drug involved equals or exceeds 2277
fifty times the bulk amount but is less than one hundred times the 2278
bulk amount, aggravated possession of drugs is a felony of the 2279
first degree, and the court shall impose as a mandatory prison 2280
term a first degree felony mandatory prison term. 2281

(e) If the amount of the drug involved equals or exceeds one 2282
hundred times the bulk amount, aggravated possession of drugs is a 2283
felony of the first degree, the offender is a major drug offender, 2284
and the court shall impose as a mandatory prison term a maximum 2285
first degree felony mandatory prison term. 2286

(2) If the drug involved in the violation is a compound, 2287
mixture, preparation, or substance included in schedule III, IV, 2288
or V, whoever violates division (A) of this section is guilty of 2289
possession of drugs. The penalty for the offense shall be 2290
determined as follows: 2291

(a) Except as otherwise provided in division (C)(2)(b), (c), 2292

or (d) of this section, possession of drugs is a misdemeanor of 2293
the first degree or, if the offender previously has been convicted 2294
of a drug abuse offense, a felony of the fifth degree. 2295

(b) If the amount of the drug involved equals or exceeds the 2296
bulk amount but is less than five times the bulk amount, 2297
possession of drugs is a felony of the fourth degree, and division 2298
(C) of section 2929.13 of the Revised Code applies in determining 2299
whether to impose a prison term on the offender. 2300

(c) If the amount of the drug involved equals or exceeds five 2301
times the bulk amount but is less than fifty times the bulk 2302
amount, possession of drugs is a felony of the third degree, and 2303
there is a presumption for a prison term for the offense. 2304

(d) If the amount of the drug involved equals or exceeds 2305
fifty times the bulk amount, possession of drugs is a felony of 2306
the second degree, and the court shall impose upon the offender as 2307
a mandatory prison term a second degree felony mandatory prison 2308
term. 2309

(3) If the drug involved in the violation is marihuana or a 2310
compound, mixture, preparation, or substance containing marihuana 2311
other than hashish, whoever violates division (A) of this section 2312
is guilty of possession of marihuana. The penalty for the offense 2313
shall be determined as follows: 2314

(a) Except as otherwise provided in division (C)(3)(b), (c), 2315
(d), (e), (f), or (g) of this section, possession of marihuana is 2316
a minor misdemeanor. 2317

(b) If the amount of the drug involved equals or exceeds one 2318
hundred grams but is less than two hundred grams, possession of 2319
marihuana is a misdemeanor of the fourth degree. 2320

(c) If the amount of the drug involved equals or exceeds two 2321

hundred grams but is less than one thousand grams, possession of 2322
marihuana is a felony of the fifth degree, and division (B) of 2323
section 2929.13 of the Revised Code applies in determining whether 2324
to impose a prison term on the offender. 2325

(d) If the amount of the drug involved equals or exceeds one 2326
thousand grams but is less than five thousand grams, possession of 2327
marihuana is a felony of the third degree, and division (C) of 2328
section 2929.13 of the Revised Code applies in determining whether 2329
to impose a prison term on the offender. 2330

(e) If the amount of the drug involved equals or exceeds five 2331
thousand grams but is less than twenty thousand grams, possession 2332
of marihuana is a felony of the third degree, and there is a 2333
presumption that a prison term shall be imposed for the offense. 2334

(f) If the amount of the drug involved equals or exceeds 2335
twenty thousand grams but is less than forty thousand grams, 2336
possession of marihuana is a felony of the second degree, and the 2337
court shall impose as a mandatory prison term a second degree 2338
felony mandatory prison term of five, six, seven, or eight years. 2339

(g) If the amount of the drug involved equals or exceeds 2340
forty thousand grams, possession of marihuana is a felony of the 2341
second degree, and the court shall impose as a mandatory prison 2342
term a maximum second degree felony mandatory prison term. 2343

(4) If the drug involved in the violation is cocaine or a 2344
compound, mixture, preparation, or substance containing cocaine, 2345
whoever violates division (A) of this section is guilty of 2346
possession of cocaine. The penalty for the offense shall be 2347
determined as follows: 2348

(a) Except as otherwise provided in division (C)(4)(b), (c), 2349
(d), (e), or (f) of this section, possession of cocaine is a 2350

felony of the fifth degree, and division (B) of section 2929.13 of
the Revised Code applies in determining whether to impose a prison
term on the offender.

(b) If the amount of the drug involved equals or exceeds five
grams but is less than ten grams of cocaine, possession of cocaine
is a felony of the fourth degree, and division (B) of section
2929.13 of the Revised Code applies in determining whether to
impose a prison term on the offender.

(c) If the amount of the drug involved equals or exceeds ten
grams but is less than twenty grams of cocaine, possession of
cocaine is a felony of the third degree, and, except as otherwise
provided in this division, there is a presumption for a prison
term for the offense. If possession of cocaine is a felony of the
third degree under this division and if the offender two or more
times previously has been convicted of or pleaded guilty to a
felony drug abuse offense, the court shall impose as a mandatory
prison term one of the prison terms prescribed for a felony of the
third degree.

(d) If the amount of the drug involved equals or exceeds
twenty grams but is less than twenty-seven grams of cocaine,
possession of cocaine is a felony of the second degree, and the
court shall impose as a mandatory prison term a second degree
felony mandatory prison term.

(e) If the amount of the drug involved equals or exceeds
twenty-seven grams but is less than one hundred grams of cocaine,
possession of cocaine is a felony of the first degree, and the
court shall impose as a mandatory prison term a first degree
felony mandatory prison term.

(f) If the amount of the drug involved equals or exceeds one
hundred grams of cocaine, possession of cocaine is a felony of the

first degree, the offender is a major drug offender, and the court 2381
shall impose as a mandatory prison term a maximum first degree 2382
felony mandatory prison term. 2383

(5) If the drug involved in the violation is L.S.D., whoever 2384
violates division (A) of this section is guilty of possession of 2385
L.S.D. The penalty for the offense shall be determined as follows: 2386

(a) Except as otherwise provided in division (C)(5)(b), (c), 2387
(d), (e), or (f) of this section, possession of L.S.D. is a felony 2388
of the fifth degree, and division (B) of section 2929.13 of the 2389
Revised Code applies in determining whether to impose a prison 2390
term on the offender. 2391

(b) If the amount of L.S.D. involved equals or exceeds ten 2392
unit doses but is less than fifty unit doses of L.S.D. in a solid 2393
form or equals or exceeds one gram but is less than five grams of 2394
L.S.D. in a liquid concentrate, liquid extract, or liquid 2395
distillate form, possession of L.S.D. is a felony of the fourth 2396
degree, and division (C) of section 2929.13 of the Revised Code 2397
applies in determining whether to impose a prison term on the 2398
offender. 2399

(c) If the amount of L.S.D. involved equals or exceeds fifty 2400
unit doses, but is less than two hundred fifty unit doses of 2401
L.S.D. in a solid form or equals or exceeds five grams but is less 2402
than twenty-five grams of L.S.D. in a liquid concentrate, liquid 2403
extract, or liquid distillate form, possession of L.S.D. is a 2404
felony of the third degree, and there is a presumption for a 2405
prison term for the offense. 2406

(d) If the amount of L.S.D. involved equals or exceeds two 2407
hundred fifty unit doses but is less than one thousand unit doses 2408
of L.S.D. in a solid form or equals or exceeds twenty-five grams 2409
but is less than one hundred grams of L.S.D. in a liquid 2410

concentrate, liquid extract, or liquid distillate form, possession 2411
of L.S.D. is a felony of the second degree, and the court shall 2412
impose as a mandatory prison term a second degree felony mandatory 2413
prison term. 2414

(e) If the amount of L.S.D. involved equals or exceeds one 2415
thousand unit doses but is less than five thousand unit doses of 2416
L.S.D. in a solid form or equals or exceeds one hundred grams but 2417
is less than five hundred grams of L.S.D. in a liquid concentrate, 2418
liquid extract, or liquid distillate form, possession of L.S.D. is 2419
a felony of the first degree, and the court shall impose as a 2420
mandatory prison term a first degree felony mandatory prison term. 2421

(f) If the amount of L.S.D. involved equals or exceeds five 2422
thousand unit doses of L.S.D. in a solid form or equals or exceeds 2423
five hundred grams of L.S.D. in a liquid concentrate, liquid 2424
extract, or liquid distillate form, possession of L.S.D. is a 2425
felony of the first degree, the offender is a major drug offender, 2426
and the court shall impose as a mandatory prison term a maximum 2427
first degree felony mandatory prison term. 2428

(6) If the drug involved in the violation is heroin or a 2429
compound, mixture, preparation, or substance containing heroin, 2430
whoever violates division (A) of this section is guilty of 2431
possession of heroin. The penalty for the offense shall be 2432
determined as follows: 2433

(a) Except as otherwise provided in division (C)(6)(b), (c), 2434
(d), (e), or (f) of this section, possession of heroin is a felony 2435
of the fifth degree, and division (B) of section 2929.13 of the 2436
Revised Code applies in determining whether to impose a prison 2437
term on the offender. 2438

(b) If the amount of the drug involved equals or exceeds ten 2439
unit doses but is less than fifty unit doses or equals or exceeds 2440

one gram but is less than five grams, possession of heroin is a 2441
felony of the fourth degree, and division (C) of section 2929.13 2442
of the Revised Code applies in determining whether to impose a 2443
prison term on the offender. 2444

(c) If the amount of the drug involved equals or exceeds 2445
fifty unit doses but is less than one hundred unit doses or equals 2446
or exceeds five grams but is less than ten grams, possession of 2447
heroin is a felony of the third degree, and there is a presumption 2448
for a prison term for the offense. 2449

(d) If the amount of the drug involved equals or exceeds one 2450
hundred unit doses but is less than five hundred unit doses or 2451
equals or exceeds ten grams but is less than fifty grams, 2452
possession of heroin is a felony of the second degree, and the 2453
court shall impose as a mandatory prison term a second degree 2454
felony mandatory prison term. 2455

(e) If the amount of the drug involved equals or exceeds five 2456
hundred unit doses but is less than one thousand unit doses or 2457
equals or exceeds fifty grams but is less than one hundred grams, 2458
possession of heroin is a felony of the first degree, and the 2459
court shall impose as a mandatory prison term a first degree 2460
felony mandatory prison term. 2461

(f) If the amount of the drug involved equals or exceeds one 2462
thousand unit doses or equals or exceeds one hundred grams, 2463
possession of heroin is a felony of the first degree, the offender 2464
is a major drug offender, and the court shall impose as a 2465
mandatory prison term a maximum first degree felony mandatory 2466
prison term. 2467

(7) If the drug involved in the violation is hashish or a 2468
compound, mixture, preparation, or substance containing hashish, 2469
whoever violates division (A) of this section is guilty of 2470

possession of hashish. The penalty for the offense shall be 2471
determined as follows: 2472

(a) Except as otherwise provided in division (C)(7)(b), (c), 2473
(d), (e), (f), or (g) of this section, possession of hashish is a 2474
minor misdemeanor. 2475

(b) If the amount of the drug involved equals or exceeds five 2476
grams but is less than ten grams of hashish in a solid form or 2477
equals or exceeds one gram but is less than two grams of hashish 2478
in a liquid concentrate, liquid extract, or liquid distillate 2479
form, possession of hashish is a misdemeanor of the fourth degree. 2480

(c) If the amount of the drug involved equals or exceeds ten 2481
grams but is less than fifty grams of hashish in a solid form or 2482
equals or exceeds two grams but is less than ten grams of hashish 2483
in a liquid concentrate, liquid extract, or liquid distillate 2484
form, possession of hashish is a felony of the fifth degree, and 2485
division (B) of section 2929.13 of the Revised Code applies in 2486
determining whether to impose a prison term on the offender. 2487

(d) If the amount of the drug involved equals or exceeds 2488
fifty grams but is less than two hundred fifty grams of hashish in 2489
a solid form or equals or exceeds ten grams but is less than fifty 2490
grams of hashish in a liquid concentrate, liquid extract, or 2491
liquid distillate form, possession of hashish is a felony of the 2492
third degree, and division (C) of section 2929.13 of the Revised 2493
Code applies in determining whether to impose a prison term on the 2494
offender. 2495

(e) If the amount of the drug involved equals or exceeds two 2496
hundred fifty grams but is less than one thousand grams of hashish 2497
in a solid form or equals or exceeds fifty grams but is less than 2498
two hundred grams of hashish in a liquid concentrate, liquid 2499
extract, or liquid distillate form, possession of hashish is a 2500

felony of the third degree, and there is a presumption that a 2501
prison term shall be imposed for the offense. 2502

(f) If the amount of the drug involved equals or exceeds one 2503
thousand grams but is less than two thousand grams of hashish in a 2504
solid form or equals or exceeds two hundred grams but is less than 2505
four hundred grams of hashish in a liquid concentrate, liquid 2506
extract, or liquid distillate form, possession of hashish is a 2507
felony of the second degree, and the court shall impose as a 2508
mandatory prison term a second degree felony mandatory prison term 2509
of five, six, seven, or eight years. 2510

(g) If the amount of the drug involved equals or exceeds two 2511
thousand grams of hashish in a solid form or equals or exceeds 2512
four hundred grams of hashish in a liquid concentrate, liquid 2513
extract, or liquid distillate form, possession of hashish is a 2514
felony of the second degree, and the court shall impose as a 2515
mandatory prison term a maximum second degree felony mandatory 2516
prison term. 2517

(8) If the drug involved is a controlled substance analog or 2518
compound, mixture, preparation, or substance that contains a 2519
controlled substance analog, whoever violates division (A) of this 2520
section is guilty of possession of a controlled substance analog. 2521
The penalty for the offense shall be determined as follows: 2522

(a) Except as otherwise provided in division (C)(8)(b), (c), 2523
(d), (e), or (f) of this section, possession of a controlled 2524
substance analog is a felony of the fifth degree, and division (B) 2525
of section 2929.13 of the Revised Code applies in determining 2526
whether to impose a prison term on the offender. 2527

(b) If the amount of the drug involved equals or exceeds ten 2528
grams but is less than twenty grams, possession of a controlled 2529
substance analog is a felony of the fourth degree, and there is a 2530

presumption for a prison term for the offense. 2531

(c) If the amount of the drug involved equals or exceeds 2532
twenty grams but is less than thirty grams, possession of a 2533
controlled substance analog is a felony of the third degree, and 2534
there is a presumption for a prison term for the offense. 2535

(d) If the amount of the drug involved equals or exceeds 2536
thirty grams but is less than forty grams, possession of a 2537
controlled substance analog is a felony of the second degree, and 2538
the court shall impose as a mandatory prison term a second degree 2539
felony mandatory prison term. 2540

(e) If the amount of the drug involved equals or exceeds 2541
forty grams but is less than fifty grams, possession of a 2542
controlled substance analog is a felony of the first degree, and 2543
the court shall impose as a mandatory prison term a first degree 2544
felony mandatory prison term. 2545

(f) If the amount of the drug involved equals or exceeds 2546
fifty grams, possession of a controlled substance analog is a 2547
felony of the first degree, the offender is a major drug offender, 2548
and the court shall impose as a mandatory prison term a maximum 2549
first degree felony mandatory prison term. 2550

(9) If the drug involved in the violation is a compound, 2551
mixture, preparation, or substance that is a combination of a 2552
fentanyl-related compound and marihuana, one of the following 2553
applies: 2554

(a) Except as otherwise provided in division (C)(9)(b) of 2555
this section, the offender is guilty of possession of marihuana 2556
and shall be punished as provided in division (C)(3) of this 2557
section. Except as otherwise provided in division (C)(9)(b) of 2558
this section, the offender is not guilty of possession of a 2559

fentanyl-related compound under division (C)(11) of this section 2560
and shall not be charged with, convicted of, or punished under 2561
division (C)(11) of this section for possession of a 2562
fentanyl-related compound. 2563

(b) If the offender knows or has reason to know that the 2564
compound, mixture, preparation, or substance that is the drug 2565
involved contains a fentanyl-related compound, the offender is 2566
guilty of possession of a fentanyl-related compound and shall be 2567
punished under division (C)(11) of this section. 2568

(10) If the drug involved in the violation is a compound, 2569
mixture, preparation, or substance that is a combination of a 2570
fentanyl-related compound and any schedule III, schedule IV, or 2571
schedule V controlled substance that is not a fentanyl-related 2572
compound, one of the following applies: 2573

(a) Except as otherwise provided in division (C)(10)(b) of 2574
this section, the offender is guilty of possession of drugs and 2575
shall be punished as provided in division (C)(2) of this section. 2576
Except as otherwise provided in division (C)(10)(b) of this 2577
section, the offender is not guilty of possession of a 2578
fentanyl-related compound under division (C)(11) of this section 2579
and shall not be charged with, convicted of, or punished under 2580
division (C)(11) of this section for possession of a 2581
fentanyl-related compound. 2582

(b) If the offender knows or has reason to know that the 2583
compound, mixture, preparation, or substance that is the drug 2584
involved contains a fentanyl-related compound, the offender is 2585
guilty of possession of a fentanyl-related compound and shall be 2586
punished under division (C)(11) of this section. 2587

(11) If the drug involved in the violation is a 2588
fentanyl-related compound and neither division (C)(9)(a) nor 2589

division (C)(10)(a) of this section applies to the drug involved, 2590
or is a compound, mixture, preparation, or substance that contains 2591
a fentanyl-related compound or is a combination of a 2592
fentanyl-related compound and any other controlled substance and 2593
neither division (C)(9)(a) nor division (C)(10)(a) of this section 2594
applies to the drug involved, whoever violates division (A) of 2595
this section is guilty of possession of a fentanyl-related 2596
compound. The penalty for the offense shall be determined as 2597
follows: 2598

(a) Except as otherwise provided in division (C)(11)(b), (c), 2599
(d), (e), (f), or (g) of this section, possession of a 2600
fentanyl-related compound is a felony of the fifth degree, and 2601
division (B) of section 2929.13 of the Revised Code applies in 2602
determining whether to impose a prison term on the offender. 2603

(b) If the amount of the drug involved equals or exceeds ten 2604
unit doses but is less than fifty unit doses or equals or exceeds 2605
one gram but is less than five grams, possession of a 2606
fentanyl-related compound is a felony of the fourth degree, and 2607
division (C) of section 2929.13 of the Revised Code applies in 2608
determining whether to impose a prison term on the offender. 2609

(c) If the amount of the drug involved equals or exceeds 2610
fifty unit doses but is less than one hundred unit doses or equals 2611
or exceeds five grams but is less than ten grams, possession of a 2612
fentanyl-related compound is a felony of the third degree, and 2613
there is a presumption for a prison term for the offense. 2614

(d) If the amount of the drug involved equals or exceeds one 2615
hundred unit doses but is less than two hundred unit doses or 2616
equals or exceeds ten grams but is less than twenty grams, 2617
possession of a fentanyl-related compound is a felony of the 2618
second degree, and the court shall impose as a mandatory prison 2619

term one of the prison terms prescribed for a felony of the second 2620
degree. 2621

(e) If the amount of the drug involved equals or exceeds two 2622
hundred unit doses but is less than five hundred unit doses or 2623
equals or exceeds twenty grams but is less than fifty grams, 2624
possession of a fentanyl-related compound is a felony of the first 2625
degree, and the court shall impose as a mandatory prison term one 2626
of the prison terms prescribed for a felony of the first degree. 2627

(f) If the amount of the drug involved equals or exceeds five 2628
hundred unit doses but is less than one thousand unit doses or 2629
equals or exceeds fifty grams but is less than one hundred grams, 2630
possession of a fentanyl-related compound is a felony of the first 2631
degree, and the court shall impose as a mandatory prison term the 2632
maximum prison term prescribed for a felony of the first degree. 2633

(g) If the amount of the drug involved equals or exceeds one 2634
thousand unit doses or equals or exceeds one hundred grams, 2635
possession of a fentanyl-related compound is a felony of the first 2636
degree, the offender is a major drug offender, and the court shall 2637
impose as a mandatory prison term the maximum prison term 2638
prescribed for a felony of the first degree. 2639

(D) Arrest or conviction for a minor misdemeanor violation of 2640
this section does not constitute a criminal record and need not be 2641
reported by the person so arrested or convicted in response to any 2642
inquiries about the person's criminal record, including any 2643
inquiries contained in any application for employment, license, or 2644
other right or privilege, or made in connection with the person's 2645
appearance as a witness. 2646

(E) In addition to any prison term or jail term authorized or 2647
required by division (C) of this section and sections 2929.13, 2648
2929.14, 2929.22, 2929.24, and 2929.25 of the Revised Code and in 2649

addition to any other sanction that is imposed for the offense 2650
under this section, sections 2929.11 to 2929.18, or sections 2651
2929.21 to 2929.28 of the Revised Code, the court that sentences 2652
an offender who is convicted of or pleads guilty to a violation of 2653
division (A) of this section may suspend the offender's driver's 2654
or commercial driver's license or permit for not more than five 2655
years. However, if the offender pleaded guilty to or was convicted 2656
of a violation of section 4511.19 of the Revised Code or a 2657
substantially similar municipal ordinance or the law of another 2658
state or the United States arising out of the same set of 2659
circumstances as the violation, the court shall suspend the 2660
offender's driver's or commercial driver's license or permit for 2661
not more than five years. If applicable, the court also shall do 2662
the following: 2663

(1)(a) If the violation is a felony of the first, second, or 2664
third degree, the court shall impose upon the offender the 2665
mandatory fine specified for the offense under division (B)(1) of 2666
section 2929.18 of the Revised Code unless, as specified in that 2667
division, the court determines that the offender is indigent. 2668

(b) Notwithstanding any contrary provision of section 3719.21 2669
of the Revised Code, the clerk of the court shall pay a mandatory 2670
fine or other fine imposed for a violation of this section 2671
pursuant to division (A) of section 2929.18 of the Revised Code in 2672
accordance with and subject to the requirements of division (F) of 2673
section 2925.03 of the Revised Code. The agency that receives the 2674
fine shall use the fine as specified in division (F) of section 2675
2925.03 of the Revised Code. 2676

(c) If a person is charged with a violation of this section 2677
that is a felony of the first, second, or third degree, posts 2678
bail, and forfeits the bail, the clerk shall pay the forfeited 2679

bail pursuant to division (E)(1)(b) of this section as if it were 2680
a mandatory fine imposed under division (E)(1)(a) of this section. 2681

(2) If the offender is a professionally licensed person, in 2682
addition to any other sanction imposed for a violation of this 2683
section, the court immediately shall comply with section 2925.38 2684
of the Revised Code. 2685

(F) It is an affirmative defense, as provided in section 2686
2901.05 of the Revised Code, to a charge of a fourth degree felony 2687
violation under this section that the controlled substance that 2688
gave rise to the charge is in an amount, is in a form, is 2689
prepared, compounded, or mixed with substances that are not 2690
controlled substances in a manner, or is possessed under any other 2691
circumstances, that indicate that the substance was possessed 2692
solely for personal use. Notwithstanding any contrary provision of 2693
this section, if, in accordance with section 2901.05 of the 2694
Revised Code, an accused who is charged with a fourth degree 2695
felony violation of division (C)(2), (4), (5), or (6) of this 2696
section sustains the burden of going forward with evidence of and 2697
establishes by a preponderance of the evidence the affirmative 2698
defense described in this division, the accused may be prosecuted 2699
for and may plead guilty to or be convicted of a misdemeanor 2700
violation of division (C)(2) of this section or a fifth degree 2701
felony violation of division (C)(4), (5), or (6) of this section 2702
respectively. 2703

(G) When a person is charged with possessing a bulk amount or 2704
multiple of a bulk amount, division (E) of section 2925.03 of the 2705
Revised Code applies regarding the determination of the amount of 2706
the controlled substance involved at the time of the offense. 2707

(H) It is an affirmative defense to a charge of possession of 2708
a controlled substance analog under division (C)(8) of this 2709

section that the person charged with violating that offense 2710
obtained, possessed, or used one of the following items that are 2711
excluded from the meaning of "controlled substance analog" under 2712
section 3719.01 of the Revised Code: 2713

(1) A controlled substance; 2714

(2) Any substance for which there is an approved new drug 2715
application; 2716

(3) With respect to a particular person, any substance if an 2717
exemption is in effect for investigational use for that person 2718
pursuant to federal law to the extent that conduct with respect to 2719
that substance is pursuant to that exemption. 2720

(I) Any offender who received a mandatory suspension of the 2721
offender's driver's or commercial driver's license or permit under 2722
this section prior to September 13, 2016, may file a motion with 2723
the sentencing court requesting the termination of the suspension. 2724
However, an offender who pleaded guilty to or was convicted of a 2725
violation of section 4511.19 of the Revised Code or a 2726
substantially similar municipal ordinance or law of another state 2727
or the United States that arose out of the same set of 2728
circumstances as the violation for which the offender's license or 2729
permit was suspended under this section shall not file such a 2730
motion. 2731

Upon the filing of a motion under division (I) of this 2732
section, the sentencing court, in its discretion, may terminate 2733
the suspension. 2734

Sec. 2925.12. (A) No person shall knowingly make, obtain, 2735
possess, or use any instrument, article, or thing the customary 2736
and primary purpose of which is for the administration or use of a 2737
dangerous drug, other than marihuana, when the instrument involved 2738

is a hypodermic or syringe, whether or not of crude or 2739
 extemporized manufacture or assembly, and the instrument, article, 2740
 or thing involved has been used by the offender to unlawfully 2741
 administer or use a dangerous drug, other than marihuana, or to 2742
 prepare a dangerous drug, other than marihuana, for unlawful 2743
 administration or use. 2744

(B)(1) This section does not apply to manufacturers, licensed 2745
 health professionals authorized to prescribe drugs, pharmacists, 2746
 owners of pharmacies, and other persons whose conduct was in 2747
 accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., 2748
~~and~~ 4741., and 4772. of the Revised Code. 2749

(2) Division (B)(2) of section 2925.11 of the Revised Code 2750
 applies with respect to a violation of this section when a person 2751
 seeks or obtains medical assistance for another person who is 2752
 experiencing a drug overdose, a person experiences a drug overdose 2753
 and seeks medical assistance for that overdose, or a person is the 2754
 subject of another person seeking or obtaining medical assistance 2755
 for that overdose. 2756

(C) Whoever violates this section is guilty of possessing 2757
 drug abuse instruments, a misdemeanor of the second degree. If the 2758
 offender previously has been convicted of a drug abuse offense, a 2759
 violation of this section is a misdemeanor of the first degree. 2760

(D)(1) In addition to any other sanction imposed upon an 2761
 offender for a violation of this section, the court may suspend 2762
 for not more than five years the offender's driver's or commercial 2763
 driver's license or permit. However, if the offender pleaded 2764
 guilty to or was convicted of a violation of section 4511.19 of 2765
 the Revised Code or a substantially similar municipal ordinance or 2766
 the law of another state or the United States arising out of the 2767
 same set of circumstances as the violation, the court shall 2768

suspend the offender's driver's or commercial driver's license or
 permit for not more than five years. If the offender is a
 professionally licensed person, in addition to any other sanction
 imposed for a violation of this section, the court immediately
 shall comply with section 2925.38 of the Revised Code.

(2) Any offender who received a mandatory suspension of the
 offender's driver's or commercial driver's license or permit under
 this section prior to September 13, 2016, may file a motion with
 the sentencing court requesting the termination of the suspension.
 However, an offender who pleaded guilty to or was convicted of a
 violation of section 4511.19 of the Revised Code or a
 substantially similar municipal ordinance or law of another state
 or the United States that arose out of the same set of
 circumstances as the violation for which the offender's license or
 permit was suspended under this section shall not file such a
 motion.

Upon the filing of a motion under division (D)(2) of this
 section, the sentencing court, in its discretion, may terminate
 the suspension.

Sec. 2925.14. (A) As used in this section, "drug
 paraphernalia" means any equipment, product, or material of any
 kind that is used by the offender, intended by the offender for
 use, or designed for use, in propagating, cultivating, growing,
 harvesting, manufacturing, compounding, converting, producing,
 processing, preparing, testing, analyzing, packaging, repackaging,
 storing, containing, concealing, injecting, ingesting, inhaling,
 or otherwise introducing into the human body, a controlled
 substance in violation of this chapter. "Drug paraphernalia"
 includes, but is not limited to, any of the following equipment,
 products, or materials that are used by the offender, intended by

the offender for use, or designed by the offender for use, in any	2799
of the following manners:	2800
(1) A kit for propagating, cultivating, growing, or	2801
harvesting any species of a plant that is a controlled substance	2802
or from which a controlled substance can be derived;	2803
(2) A kit for manufacturing, compounding, converting,	2804
producing, processing, or preparing a controlled substance;	2805
(3) Any object, instrument, or device for manufacturing,	2806
compounding, converting, producing, processing, or preparing	2807
methamphetamine;	2808
(4) An isomerization device for increasing the potency of any	2809
species of a plant that is a controlled substance;	2810
(5) Testing equipment for identifying, or analyzing the	2811
strength, effectiveness, or purity of, a controlled substance,	2812
except for those exempted in division (D)(4) of this section;	2813
(6) A scale or balance for weighing or measuring a controlled	2814
substance;	2815
(7) A diluent or adulterant, such as quinine hydrochloride,	2816
mannitol, mannite, dextrose, or lactose, for cutting a controlled	2817
substance;	2818
(8) A separation gin or sifter for removing twigs and seeds	2819
from, or otherwise cleaning or refining, marihuana;	2820
(9) A blender, bowl, container, spoon, or mixing device for	2821
compounding a controlled substance;	2822
(10) A capsule, balloon, envelope, or container for packaging	2823
small quantities of a controlled substance;	2824
(11) A container or device for storing or concealing a	2825

controlled substance;	2826
(12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body;	2827 2828
(13) An object, instrument, or device for ingesting, inhaling, or otherwise introducing into the human body, marihuana, cocaine, hashish, or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or without a screen, permanent screen, hashish head, or punctured metal bowl; water pipe; carburetion tube or device; smoking or carburetion mask; roach clip or similar object used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller.	2829 2830 2831 2832 2833 2834 2835 2836 2837 2838 2839
(B) In determining if any equipment, product, or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following:	2840 2841 2842
(1) Any statement by the owner, or by anyone in control, of the equipment, product, or material, concerning its use;	2843 2844
(2) The proximity in time or space of the equipment, product, or material, or of the act relating to the equipment, product, or material, to a violation of any provision of this chapter;	2845 2846 2847
(3) The proximity of the equipment, product, or material to any controlled substance;	2848 2849
(4) The existence of any residue of a controlled substance on the equipment, product, or material;	2850 2851
(5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the equipment, product, or material, to deliver it to any person whom the owner or person in	2852 2853 2854

control of the equipment, product, or material knows intends to 2855
 use the object to facilitate a violation of any provision of this 2856
 chapter. A finding that the owner, or anyone in control, of the 2857
 equipment, product, or material, is not guilty of a violation of 2858
 any other provision of this chapter does not prevent a finding 2859
 that the equipment, product, or material was intended or designed 2860
 by the offender for use as drug paraphernalia. 2861

(6) Any oral or written instruction provided with the 2862
 equipment, product, or material concerning its use; 2863

(7) Any descriptive material accompanying the equipment, 2864
 product, or material and explaining or depicting its use; 2865

(8) National or local advertising concerning the use of the 2866
 equipment, product, or material; 2867

(9) The manner and circumstances in which the equipment, 2868
 product, or material is displayed for sale; 2869

(10) Direct or circumstantial evidence of the ratio of the 2870
 sales of the equipment, product, or material to the total sales of 2871
 the business enterprise; 2872

(11) The existence and scope of legitimate uses of the 2873
 equipment, product, or material in the community; 2874

(12) Expert testimony concerning the use of the equipment, 2875
 product, or material. 2876

(C)(1) Subject to divisions (D)(2), (3), and (4) of this 2877
 section, no person shall knowingly use, or possess with purpose to 2878
 use, drug paraphernalia. 2879

(2) No person shall knowingly sell, or possess or manufacture 2880
 with purpose to sell, drug paraphernalia, if the person knows or 2881
 reasonably should know that the equipment, product, or material 2882

will be used as drug paraphernalia. 2883

(3) No person shall place an advertisement in any newspaper, 2884
magazine, handbill, or other publication that is published and 2885
printed and circulates primarily within this state, if the person 2886
knows that the purpose of the advertisement is to promote the 2887
illegal sale in this state of the equipment, product, or material 2888
that the offender intended or designed for use as drug 2889
paraphernalia. 2890

(D)(1) This section does not apply to manufacturers, licensed 2891
health professionals authorized to prescribe drugs, pharmacists, 2892
owners of pharmacies, and other persons whose conduct is in 2893
accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., 2894
~~and 4741., and 4772.~~ of the Revised Code. This section shall not 2895
be construed to prohibit the possession or use of a hypodermic as 2896
authorized by section 3719.172 of the Revised Code. 2897

(2) Division (C)(1) of this section does not apply to a 2898
person's use, or possession with purpose to use, any drug 2899
paraphernalia that is equipment, a product, or material of any 2900
kind that is used by the person, intended by the person for use, 2901
or designed for use in storing, containing, concealing, injecting, 2902
ingesting, inhaling, or otherwise introducing into the human body 2903
marihuana. 2904

(3) Division (B)(2) of section 2925.11 of the Revised Code 2905
applies with respect to a violation of division (C)(1) of this 2906
section when a person seeks or obtains medical assistance for 2907
another person who is experiencing a drug overdose, a person 2908
experiences a drug overdose and seeks medical assistance for that 2909
overdose, or a person is the subject of another person seeking or 2910
obtaining medical assistance for that overdose. 2911

(4) Division (C)(1) of this section does not apply to a 2912

person's use, or possession with purpose to use, any drug testing strips to determine the presence of fentanyl or a fentanyl-related compound. 2913
2914
2915

(E) Notwithstanding Chapter 2981. of the Revised Code, any drug paraphernalia that was used, possessed, sold, or manufactured in a violation of this section shall be seized, after a conviction for that violation shall be forfeited, and upon forfeiture shall be disposed of pursuant to division (B) of section 2981.12 of the Revised Code. 2916
2917
2918
2919
2920
2921

(F)(1) Whoever violates division (C)(1) of this section is guilty of illegal use or possession of drug paraphernalia, a misdemeanor of the fourth degree. 2922
2923
2924

(2) Except as provided in division (F)(3) of this section, whoever violates division (C)(2) of this section is guilty of dealing in drug paraphernalia, a misdemeanor of the second degree. 2925
2926
2927

(3) Whoever violates division (C)(2) of this section by selling drug paraphernalia to a juvenile is guilty of selling drug paraphernalia to juveniles, a misdemeanor of the first degree. 2928
2929
2930

(4) Whoever violates division (C)(3) of this section is guilty of illegal advertising of drug paraphernalia, a misdemeanor of the second degree. 2931
2932
2933

(G)(1) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall 2934
2935
2936
2937
2938
2939
2940
2941

suspend the offender's driver's or commercial driver's license or
 permit for not more than five years. If the offender is a
 professionally licensed person, in addition to any other sanction
 imposed for a violation of this section, the court immediately
 shall comply with section 2925.38 of the Revised Code.

(2) Any offender who received a mandatory suspension of the
 offender's driver's or commercial driver's license or permit under
 this section prior to September 13, 2016, may file a motion with
 the sentencing court requesting the termination of the suspension.
 However, an offender who pleaded guilty to or was convicted of a
 violation of section 4511.19 of the Revised Code or a
 substantially similar municipal ordinance or law of another state
 or the United States that arose out of the same set of
 circumstances as the violation for which the offender's license or
 permit was suspended under this section shall not file such a
 motion.

Upon the filing of a motion under division (G)(2) of this
 section, the sentencing court, in its discretion, may terminate
 the suspension.

Sec. 2925.23. (A) No person shall knowingly make a false
 statement in any prescription, order, report, or record required
 by Chapter 3719. or 4729. of the Revised Code.

(B) No person shall intentionally make, utter, or sell, or
 knowingly possess any of the following that is a false or forged:

- (1) Prescription;
- (2) Uncompleted preprinted prescription blank used for
 writing a prescription;
- (3) Official written order;

(4) License for a terminal distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code;	2970 2971
(5) License for a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, or wholesale distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code.	2972 2973 2974 2975
(C) No person, by theft as defined in section 2913.02 of the Revised Code, shall acquire any of the following:	2976 2977
(1) A prescription;	2978
(2) An uncompleted preprinted prescription blank used for writing a prescription;	2979 2980
(3) An official written order;	2981
(4) A blank official written order;	2982
(5) A license or blank license for a terminal distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code;	2983 2984 2985
(6) A license or blank license for a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, or wholesale distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code.	2986 2987 2988 2989 2990
(D) No person shall knowingly make or affix any false or forged label to a package or receptacle containing any dangerous drugs.	2991 2992 2993
(E) Divisions (A) and (D) of this section do not apply to licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4725., 4729.,	2994 2995 2996 2997

4730., 4731., ~~and~~ 4741., and 4772. of the Revised Code. 2998

(F) Whoever violates this section is guilty of illegal 2999
processing of drug documents. If the offender violates division 3000
(B)(2), (4), or (5) or division (C)(2), (4), (5), or (6) of this 3001
section, illegal processing of drug documents is a felony of the 3002
fifth degree. If the offender violates division (A), division 3003
(B)(1) or (3), division (C)(1) or (3), or division (D) of this 3004
section, the penalty for illegal processing of drug documents 3005
shall be determined as follows: 3006

(1) If the drug involved is a compound, mixture, preparation, 3007
or substance included in schedule I or II, with the exception of 3008
marihuana, illegal processing of drug documents is a felony of the 3009
fourth degree, and division (C) of section 2929.13 of the Revised 3010
Code applies in determining whether to impose a prison term on the 3011
offender. 3012

(2) If the drug involved is a dangerous drug or a compound, 3013
mixture, preparation, or substance included in schedule III, IV, 3014
or V or is marihuana, illegal processing of drug documents is a 3015
felony of the fifth degree, and division (C) of section 2929.13 of 3016
the Revised Code applies in determining whether to impose a prison 3017
term on the offender. 3018

(G)(1) In addition to any prison term authorized or required 3019
by division (F) of this section and sections 2929.13 and 2929.14 3020
of the Revised Code and in addition to any other sanction imposed 3021
for the offense under this section or sections 2929.11 to 2929.18 3022
of the Revised Code, the court that sentences an offender who is 3023
convicted of or pleads guilty to any violation of divisions (A) to 3024
(D) of this section may suspend for not more than five years the 3025
offender's driver's or commercial driver's license or permit. 3026
However, if the offender pleaded guilty to or was convicted of a 3027

violation of section 4511.19 of the Revised Code or a 3028
substantially similar municipal ordinance or the law of another 3029
state or the United States arising out of the same set of 3030
circumstances as the violation, the court shall suspend the 3031
offender's driver's or commercial driver's license or permit for 3032
not more than five years. 3033

If the offender is a professionally licensed person, in 3034
addition to any other sanction imposed for a violation of this 3035
section, the court immediately shall comply with section 2925.38 3036
of the Revised Code. 3037

(2) Any offender who received a mandatory suspension of the 3038
offender's driver's or commercial driver's license or permit under 3039
this section prior to September 13, 2016, may file a motion with 3040
the sentencing court requesting the termination of the suspension. 3041
However, an offender who pleaded guilty to or was convicted of a 3042
violation of section 4511.19 of the Revised Code or a 3043
substantially similar municipal ordinance or law of another state 3044
or the United States that arose out of the same set of 3045
circumstances as the violation for which the offender's license or 3046
permit was suspended under this section shall not file such a 3047
motion. 3048

Upon the filing of a motion under division (G)(2) of this 3049
section, the sentencing court, in its discretion, may terminate 3050
the suspension. 3051

(H) Notwithstanding any contrary provision of section 3719.21 3052
of the Revised Code, the clerk of court shall pay a fine imposed 3053
for a violation of this section pursuant to division (A) of 3054
section 2929.18 of the Revised Code in accordance with and subject 3055
to the requirements of division (F) of section 2925.03 of the 3056
Revised Code. The agency that receives the fine shall use the fine 3057

as specified in division (F) of section 2925.03 of the Revised Code. 3058
3059

Sec. 2925.36. (A) No person shall knowingly furnish another a sample drug. 3060
3061

(B) Division (A) of this section does not apply to manufacturers, wholesalers, pharmacists, owners of pharmacies, licensed health professionals authorized to prescribe drugs, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., ~~and 4741.~~ and 4772. of the Revised Code. 3062
3063
3064
3065
3066
3067

(C)(1) Whoever violates this section is guilty of illegal dispensing of drug samples. 3068
3069

(2) If the drug involved in the offense is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, the penalty for the offense shall be determined as follows: 3070
3071
3072
3073

(a) Except as otherwise provided in division (C)(2)(b) of this section, illegal dispensing of drug samples is a felony of the fifth degree, and, subject to division (E) of this section, division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. 3074
3075
3076
3077
3078

(b) If the offense was committed in the vicinity of a school or in the vicinity of a juvenile, illegal dispensing of drug samples is a felony of the fourth degree, and, subject to division (E) of this section, division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. 3079
3080
3081
3082
3083
3084

(3) If the drug involved in the offense is a dangerous drug 3085

or a compound, mixture, preparation, or substance included in 3086
schedule III, IV, or V, or is marihuana, the penalty for the 3087
offense shall be determined as follows: 3088

(a) Except as otherwise provided in division (C)(3)(b) of 3089
this section, illegal dispensing of drug samples is a misdemeanor 3090
of the second degree. 3091

(b) If the offense was committed in the vicinity of a school 3092
or in the vicinity of a juvenile, illegal dispensing of drug 3093
samples is a misdemeanor of the first degree. 3094

(D)(1) In addition to any prison term authorized or required 3095
by division (C) or (E) of this section and sections 2929.13 and 3096
2929.14 of the Revised Code and in addition to any other sanction 3097
imposed for the offense under this section or sections 2929.11 to 3098
2929.18 of the Revised Code, the court that sentences an offender 3099
who is convicted of or pleads guilty to a violation of division 3100
(A) of this section may suspend for not more than five years the 3101
offender's driver's or commercial driver's license or permit. 3102
However, if the offender pleaded guilty to or was convicted of a 3103
violation of section 4511.19 of the Revised Code or a 3104
substantially similar municipal ordinance or the law of another 3105
state or the United States arising out of the same set of 3106
circumstances as the violation, the court shall suspend the 3107
offender's driver's or commercial driver's license or permit for 3108
not more than five years. 3109

If the offender is a professionally licensed person, in 3110
addition to any other sanction imposed for a violation of this 3111
section, the court immediately shall comply with section 2925.38 3112
of the Revised Code. 3113

(2) Any offender who received a mandatory suspension of the 3114
offender's driver's or commercial driver's license or permit under 3115

this section prior to September 13, 2016, may file a motion with
the sentencing court requesting the termination of the suspension.
However, an offender who pleaded guilty to or was convicted of a
violation of section 4511.19 of the Revised Code or a
substantially similar municipal ordinance or law of another state
or the United States that arose out of the same set of
circumstances as the violation for which the offender's license or
permit was suspended under this section shall not file such a
motion.

Upon the filing of a motion under division (D)(2) of this
section, the sentencing court, in its discretion, may terminate
the suspension.

(E) Notwithstanding the prison term authorized or required by
division (C) of this section and sections 2929.13 and 2929.14 of
the Revised Code, if the violation of division (A) of this section
involves the sale, offer to sell, or possession of a schedule I or
II controlled substance, with the exception of marihuana, and if
the court imposing sentence upon the offender finds that the
offender as a result of the violation is a major drug offender and
is guilty of a specification of the type described in division (A)
of section 2941.1410 of the Revised Code, the court, in lieu of
the prison term otherwise authorized or required, shall impose
upon the offender the mandatory prison term specified in division
(B)(3)(a) of section 2929.14 of the Revised Code.

(F) Notwithstanding any contrary provision of section 3719.21
of the Revised Code, the clerk of the court shall pay a fine
imposed for a violation of this section pursuant to division (A)
of section 2929.18 of the Revised Code in accordance with and
subject to the requirements of division (F) of section 2925.03 of
the Revised Code. The agency that receives the fine shall use the

fine as specified in division (F) of section 2925.03 of the	3146
Revised Code.	3147
Sec. 2925.55. (A) As used in sections 2925.55 to 2925.58 of	3148
the Revised Code:	3149
(1) "Consumer product" means any food or drink that is	3150
consumed or used by humans and any drug, including a drug that may	3151
be provided legally only pursuant to a prescription, that is	3152
intended to be consumed or used by humans.	3153
(2) "Terminal distributor of dangerous drugs" has the same	3154
meaning as in section 4729.01 of the Revised Code.	3155
(3) "Pseudoephedrine" means any material, compound, mixture,	3156
or preparation that contains any quantity of pseudoephedrine, any	3157
of its salts, optical isomers, or salts of optical isomers.	3158
(4) "Pseudoephedrine product" means a consumer product that	3159
contains pseudoephedrine.	3160
(5) "Retailer" means a place of business that offers consumer	3161
products for sale to the general public.	3162
(6) "Single-ingredient preparation" means a compound,	3163
mixture, preparation, or substance that contains a single active	3164
ingredient.	3165
(7) "Ephedrine" means any material, compound, mixture, or	3166
preparation that contains any quantity of ephedrine, any of its	3167
salts, optical isomers, or salts of optical isomers.	3168
(8) "Ephedrine product" means a consumer product that	3169
contains ephedrine.	3170
(B)(1) No individual shall knowingly purchase, receive, or	3171
otherwise acquire an amount of pseudoephedrine product or	3172

ephedrine product that is greater than either of the following 3173
 unless the pseudoephedrine product or ephedrine product is 3174
 dispensed by a pharmacist pursuant to a valid prescription issued 3175
 by a licensed health professional authorized to prescribe drugs 3176
 and the conduct of the pharmacist and the licensed health 3177
 professional authorized to prescribe drugs is in accordance with 3178
 Chapter 3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.~~ or 3179
4772. of the Revised Code: 3180

(a) Three and six tenths grams within a period of a single 3181
 day; 3182

(b) Nine grams within a period of thirty consecutive days. 3183

The limits specified in divisions (B)(1)(a) and (b) of this 3184
 section apply to the total amount of base pseudoephedrine or base 3185
 ephedrine in the pseudoephedrine product or ephedrine product, 3186
 respectively. The limits do not apply to the product's overall 3187
 weight. 3188

(2) It is not a violation of division (B)(1) of this section 3189
 for an individual to receive or accept more than an amount of 3190
 pseudoephedrine product or ephedrine product specified in division 3191
 (B)(1)(a) or (b) of this section if the individual is an employee 3192
 of a retailer or terminal distributor of dangerous drugs, and the 3193
 employee receives or accepts from the retailer or terminal 3194
 distributor of dangerous drugs the pseudoephedrine product or 3195
 ephedrine product in a sealed container in connection with 3196
 manufacturing, warehousing, placement, stocking, bagging, loading, 3197
 or unloading of the product. 3198

(C)(1) No individual under eighteen years of age shall 3199
 knowingly purchase, receive, or otherwise acquire a 3200
 pseudoephedrine product or ephedrine product unless the 3201
 pseudoephedrine product or ephedrine product is dispensed by a 3202

pharmacist pursuant to a valid prescription issued by a licensed
 health professional authorized to prescribe drugs and the conduct
 of the pharmacist and the licensed health professional authorized
 to prescribe drugs is in accordance with Chapter 3719., 4715.,
 4723., 4729., 4730., 4731., ~~or 4741.~~ or 4772. of the Revised
 Code.

(2) Division (C)(1) of this section does not apply to an
 individual under eighteen years of age who purchases, receives, or
 otherwise acquires a pseudoephedrine product or ephedrine product
 from any of the following:

(a) A licensed health professional authorized to prescribe
 drugs or pharmacist who dispenses, sells, or otherwise provides
 the pseudoephedrine product or ephedrine product to that
 individual and whose conduct is in accordance with Chapter 3719.,
 4715., 4723., 4729., 4730., 4731., ~~or 4741.~~ or 4772. of the
 Revised Code;

(b) A parent or guardian of that individual who provides the
 pseudoephedrine product or ephedrine product to the individual;

(c) A person, as authorized by that individual's parent or
 guardian, who dispenses, sells, or otherwise provides the
 pseudoephedrine product or ephedrine product to the individual;

(d) A retailer or terminal distributor of dangerous drugs who
 provides the pseudoephedrine product or ephedrine product to that
 individual if the individual is an employee of the retailer or
 terminal distributor of dangerous drugs and the individual
 receives or accepts from the retailer or terminal distributor of
 dangerous drugs the pseudoephedrine product or ephedrine product
 in a sealed container in connection with manufacturing,
 warehousing, placement, stocking, bagging, loading, or unloading
 of the product.

(D) No individual under eighteen years of age shall knowingly 3233
 show or give false information concerning the individual's name, 3234
 age, or other identification for the purpose of purchasing, 3235
 receiving, or otherwise acquiring a pseudoephedrine product or 3236
 ephedrine product. 3237

(E) No individual shall knowingly fail to comply with the 3238
 requirements of division (B) of section 3715.051 of the Revised 3239
 Code. 3240

(F) Whoever violates division (B)(1) of this section is 3241
 guilty of unlawful purchase of a pseudoephedrine product or 3242
 ephedrine product, a misdemeanor of the first degree. 3243

(G) Whoever violates division (C)(1) of this section is 3244
 guilty of underage purchase of a pseudoephedrine product or 3245
 ephedrine product, a delinquent act that would be a misdemeanor of 3246
 the fourth degree if it could be committed by an adult. 3247

(H) Whoever violates division (D) of this section is guilty 3248
 of using false information to purchase a pseudoephedrine product 3249
 or ephedrine product, a delinquent act that would be a misdemeanor 3250
 of the first degree if it could be committed by an adult. 3251

(I) Whoever violates division (E) of this section is guilty 3252
 of improper purchase of a pseudoephedrine product or ephedrine 3253
 product, a misdemeanor of the fourth degree. 3254

Sec. 2925.56. (A)(1) Except as provided in division (A)(2) of 3255
 this section, no retailer or terminal distributor of dangerous 3256
 drugs or an employee of a retailer or terminal distributor of 3257
 dangerous drugs shall knowingly sell, offer to sell, hold for 3258
 sale, deliver, or otherwise provide to any individual an amount of 3259
 pseudoephedrine product or ephedrine product that is greater than 3260
 either of the following: 3261

(a) Three and ~~sixtenths~~ six-tenths grams within a period of a 3262
single day; 3263

(b) Nine grams within a period of thirty consecutive days. 3264

The maximum amounts specified in divisions (A)(1)(a) and (b) 3265
of this section apply to the total amount of base pseudoephedrine 3266
or base ephedrine in the pseudoephedrine product or ephedrine 3267
product, respectively. The maximum amounts do not apply to the 3268
product's overall weight. 3269

(2)(a) Division (A)(1) of this section does not apply to any 3270
quantity of pseudoephedrine product or ephedrine product dispensed 3271
by a pharmacist pursuant to a valid prescription issued by a 3272
licensed health professional authorized to prescribe drugs if the 3273
conduct of the pharmacist and the licensed health professional 3274
authorized to prescribe drugs is in accordance with Chapter 3719., 3275
4715., 4723., 4729., 4730., 4731., ~~or~~ 4741., or 4772. of the 3276
Revised Code. 3277

(b) It is not a violation of division (A)(1) of this section 3278
for a retailer, terminal distributor of dangerous drugs, or 3279
employee of either to provide to an individual more than an amount 3280
of pseudoephedrine product or ephedrine product specified in 3281
division (A)(1)(a) or (b) of this section under either of the 3282
following circumstances: 3283

(i) The individual is an employee of the retailer or terminal 3284
distributor of dangerous drugs, and the employee receives or 3285
accepts from the retailer, terminal distributor of dangerous 3286
drugs, or employee the pseudoephedrine product or ephedrine 3287
product in a sealed container in connection with manufacturing, 3288
warehousing, placement, stocking, bagging, loading, or unloading 3289
of the product; 3290

(ii) A stop-sale alert is generated after the submission of 3291
 information to the national precursor log exchange under the 3292
 conditions described in division (A)(2) of section 3715.052 of the 3293
 Revised Code. 3294

(B)(1) Except as provided in division (B)(2) of this section, 3295
 no retailer or terminal distributor of dangerous drugs or an 3296
 employee of a retailer or terminal distributor of dangerous drugs 3297
 shall sell, offer to sell, hold for sale, deliver, or otherwise 3298
 provide a pseudoephedrine product or ephedrine product to an 3299
 individual who is under eighteen years of age. 3300

(2) Division (B)(1) of this section does not apply to any of 3301
 the following: 3302

(a) A licensed health professional authorized to prescribe 3303
 drugs or pharmacist who dispenses, sells, or otherwise provides a 3304
 pseudoephedrine product or ephedrine product to an individual 3305
 under eighteen years of age and whose conduct is in accordance 3306
 with Chapter 3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.~~ 3307
or 4772. of the Revised Code; 3308

(b) A parent or guardian of an individual under eighteen 3309
 years of age who provides a pseudoephedrine product or ephedrine 3310
 product to the individual; 3311

(c) A person who, as authorized by the individual's parent or 3312
 guardian, dispenses, sells, or otherwise provides a 3313
 pseudoephedrine product or ephedrine product to an individual 3314
 under eighteen years of age; 3315

(d) The provision by a retailer, terminal distributor of 3316
 dangerous drugs, or employee of either of a pseudoephedrine 3317
 product or ephedrine product in a sealed container to an employee 3318
 of the retailer or terminal distributor of dangerous drugs who is 3319

under eighteen years of age in connection with manufacturing, 3320
warehousing, placement, stocking, bagging, loading, or unloading 3321
of the product. 3322

(C) No retailer or terminal distributor of dangerous drugs 3323
shall fail to comply with the requirements of division (A) of 3324
section 3715.051 or division (A)(2) of section 3715.052 of the 3325
Revised Code. 3326

(D) No retailer or terminal distributor of dangerous drugs 3327
shall fail to comply with the requirements of division (A)(1) of 3328
section 3715.052 of the Revised Code. 3329

(E) Whoever violates division (A)(1) of this section is 3330
guilty of unlawfully selling a pseudoephedrine product or 3331
ephedrine product, a misdemeanor of the first degree. 3332

(F) Whoever violates division (B)(1) of this section is 3333
guilty of unlawfully selling a pseudoephedrine product or 3334
ephedrine product to a minor, a misdemeanor of the fourth degree. 3335

(G) Whoever violates division (C) of this section is guilty 3336
of improper sale of a pseudoephedrine product or ephedrine 3337
product, a misdemeanor of the second degree. 3338

(H) Whoever violates division (D) of this section is guilty 3339
of failing to submit information to the national precursor log 3340
exchange, a misdemeanor for which the offender shall be fined not 3341
more than one thousand dollars per violation. 3342

Sec. 2929.42. (A) The prosecutor in any case against any 3343
person licensed, certified, registered, or otherwise authorized to 3344
practice under Chapter 3719., 4715., 4723., 4729., 4730., 4731., 3345
4734., ~~or 4741.~~ or 4772. of the Revised Code shall notify the 3346
appropriate licensing board, on forms provided by the board, of 3347

any of the following regarding the person:	3348
(1) A plea of guilty to, or a conviction of, a felony, or a court order dismissing a felony charge on technical or procedural grounds;	3349 3350 3351
(2) A plea of guilty to, or a conviction of, a misdemeanor committed in the course of practice or in the course of business, or a court order dismissing such a misdemeanor charge on technical or procedural grounds;	3352 3353 3354 3355
(3) A plea of guilty to, or a conviction of, a misdemeanor involving moral turpitude, or a court order dismissing such a charge on technical or procedural grounds.	3356 3357 3358
(B) The report required by division (A) of this section shall include the name and address of the person, the nature of the offense, and certified copies of court entries in the action.	3359 3360 3361
Sec. 3701.048. (A) As used in this section:	3362
(1) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.	3363 3364 3365
(2) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.	3366 3367
(3) "Drug," "dangerous drug," and "licensed health professional authorized to prescribe drugs" have the same meanings as in section 4729.01 of the Revised Code.	3368 3369 3370
(4) "Registered volunteer" has the same meaning as in section 5502.281 of the Revised Code.	3371 3372
(B) In consultation with the appropriate professional regulatory boards of this state, the director of health shall	3373 3374

develop one or more protocols that authorize the following	3375
individuals to administer, deliver, or distribute drugs, other	3376
than schedule II and III controlled substances, during a period of	3377
time described in division (E) of this section, notwithstanding	3378
any statute or rule that otherwise prohibits or restricts the	3379
administration, delivery, or distribution of drugs by those	3380
individuals:	3381
(1) A physician authorized under Chapter 4731. of the Revised	3382
Code to practice medicine and surgery, osteopathic medicine and	3383
surgery, or podiatric medicine and surgery;	3384
(2) A physician assistant licensed under Chapter 4730. of the	3385
Revised Code;	3386
(3) A dentist or dental hygienist licensed under Chapter	3387
4715. of the Revised Code;	3388
(4) A registered nurse licensed under Chapter 4723. of the	3389
Revised Code, including an advanced practice registered nurse, as	3390
defined in section 4723.01 of the Revised Code;	3391
(5) A licensed practical nurse licensed under Chapter 4723.	3392
of the Revised Code;	3393
(6) An optometrist licensed under Chapter 4725. of the	3394
Revised Code;	3395
(7) A pharmacist or pharmacy intern licensed under Chapter	3396
4729. of the Revised Code;	3397
(8) A respiratory care professional licensed under Chapter	3398
4761. of the Revised Code;	3399
(9) An emergency medical technician-basic, emergency medical	3400
technician-intermediate, or emergency medical technician-paramedic	3401
who holds a certificate to practice issued under Chapter 4765. of	3402

the Revised Code; 3403

(10) A veterinarian licensed under Chapter 4741. of the Revised Code; 3404

(11) A certified mental health assistant licensed under Chapter 4772. of the Revised Code. 3405

(C) In consultation with the executive director of the emergency management agency, the director of health shall develop one or more protocols that authorize employees of boards of health and registered volunteers to deliver or distribute drugs, other than schedule II and III controlled substances, during a period of time described in division (E) of this section, notwithstanding any statute or rule that otherwise prohibits or restricts the delivery or distribution of drugs by those individuals. 3406

(D) In consultation with the state board of pharmacy, the director of health shall develop one or more protocols that authorize pharmacists and pharmacy interns to dispense, during a period of time described in division (E) of this section, limited quantities of dangerous drugs, other than schedule II and III controlled substances, without a written, oral, or electronic prescription from a licensed health professional authorized to prescribe drugs or without a record of a prescription, notwithstanding any statute or rule that otherwise prohibits or restricts the dispensing of drugs without a prescription or record of a prescription. 3407

(E) On the governor's declaration of an emergency that affects the public health, the director of health may issue an order to implement one or more of the protocols developed pursuant to division (B), (C), or (D) of this section. At a minimum, the director's order shall identify the one or more protocols to be implemented and the period of time during which the one or more 3408

protocols are to be effective. 3433

(F)(1) An individual who administers, delivers, distributes, 3434
or dispenses a drug or dangerous drug in accordance with one or 3435
more of the protocols implemented under division (E) of this 3436
section is not liable for damages in any civil action unless the 3437
individual's acts or omissions in performing those activities 3438
constitute willful or wanton misconduct. 3439

(2) An individual who administers, delivers, distributes, or 3440
dispenses a drug or dangerous drug in accordance with one or more 3441
of the protocols implemented under division (E) of this section is 3442
not subject to criminal prosecution or professional disciplinary 3443
action under any chapter in Title XLVII of the Revised Code. 3444

Sec. 3701.74. (A) As used in this section and section 3445
3701.741 of the Revised Code: 3446

(1) "Ambulatory care facility" means a facility that provides 3447
medical, diagnostic, or surgical treatment to patients who do not 3448
require hospitalization, including a dialysis center, ambulatory 3449
surgical facility, cardiac catheterization facility, diagnostic 3450
imaging center, extracorporeal shock wave lithotripsy center, home 3451
health agency, inpatient hospice, birthing center, radiation 3452
therapy center, emergency facility, and an urgent care center. 3453
"Ambulatory care facility" does not include the private office of 3454
a physician or dentist, whether the office is for an individual or 3455
group practice. 3456

(2) "Chiropractor" means an individual licensed under Chapter 3457
4734. of the Revised Code to practice chiropractic. 3458

(3) "Emergency facility" means a hospital emergency 3459
department or any other facility that provides emergency medical 3460
services. 3461

(4) "Health care practitioner" means all of the following:	3462
(a) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	3463 3464
(b) A registered or licensed practical nurse licensed under Chapter 4723. of the Revised Code;	3465 3466
(c) An optometrist licensed under Chapter 4725. of the Revised Code;	3467 3468
(d) A dispensing optician, spectacle dispensing optician, or spectacle-contact lens dispensing optician licensed under Chapter 4725. of the Revised Code;	3469 3470 3471
(e) A pharmacist licensed under Chapter 4729. of the Revised Code;	3472 3473
(f) A physician;	3474
(g) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	3475 3476
(h) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;	3477 3478
(i) A psychologist licensed under Chapter 4732. of the Revised Code;	3479 3480
(j) A chiropractor;	3481
(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	3482 3483
(l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	3484 3485
(m) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	3486 3487
(n) A physical therapist or physical therapy assistant	3488

licensed under Chapter 4755. of the Revised Code;	3489
(o) A licensed professional clinical counselor, licensed	3490
professional counselor, social worker, independent social worker,	3491
independent marriage and family therapist, or marriage and family	3492
therapist licensed, or a social work assistant registered, under	3493
Chapter 4757. of the Revised Code;	3494
(p) A dietitian licensed under Chapter 4759. of the Revised	3495
Code;	3496
(q) A respiratory care professional licensed under Chapter	3497
4761. of the Revised Code;	3498
(r) An emergency medical technician-basic, emergency medical	3499
technician-intermediate, or emergency medical technician-paramedic	3500
certified under Chapter 4765. of the Revised Code;	3501
<u>(s) A certified mental health assistant licensed under</u>	3502
<u>Chapter 4772. of the Revised Code.</u>	3503
(5) "Health care provider" means a hospital, ambulatory care	3504
facility, long-term care facility, pharmacy, emergency facility,	3505
or health care practitioner.	3506
(6) "Hospital" has the same meaning as in section 3727.01 of	3507
the Revised Code.	3508
(7) "Long-term care facility" means a nursing home,	3509
residential care facility, or home for the aging, as those terms	3510
are defined in section 3721.01 of the Revised Code; a residential	3511
facility licensed under section 5119.34 of the Revised Code that	3512
provides accommodations, supervision, and personal care services	3513
for three to sixteen unrelated adults; a nursing facility, as	3514
defined in section 5165.01 of the Revised Code; a skilled nursing	3515
facility, as defined in section 5165.01 of the Revised Code; and	3516
an intermediate care facility for individuals with intellectual	3517

- disabilities, as defined in section 5124.01 of the Revised Code. 3518
- (8) "Medical record" means data in any form that pertains to 3519
a patient's medical history, diagnosis, prognosis, or medical 3520
condition and that is generated and maintained by a health care 3521
provider in the process of the patient's health care treatment. 3522
- (9) "Medical records company" means a person who stores, 3523
locates, or copies medical records for a health care provider, or 3524
is compensated for doing so by a health care provider, and charges 3525
a fee for providing medical records to a patient or patient's 3526
representative. 3527
- (10) "Patient" means either of the following: 3528
- (a) An individual who received health care treatment from a 3529
health care provider; 3530
- (b) A guardian, as defined in section 1337.11 of the Revised 3531
Code, of an individual described in division (A)(10)(a) of this 3532
section. 3533
- (11) "Patient's personal representative" means a minor 3534
patient's parent or other person acting in loco parentis, a 3535
court-appointed guardian, or a person with durable power of 3536
attorney for health care for a patient, the executor or 3537
administrator of the patient's estate, or the person responsible 3538
for the patient's estate if it is not to be probated. "Patient's 3539
personal representative" does not include an insurer authorized 3540
under Title XXXIX of the Revised Code to do the business of 3541
sickness and accident insurance in this state, a health insuring 3542
corporation holding a certificate of authority under Chapter 1751. 3543
of the Revised Code, or any other person not named in this 3544
division. 3545
- (12) "Pharmacy" has the same meaning as in section 4729.01 of 3546

the Revised Code. 3547

(13) "Physician" means a person authorized under Chapter 3548
 4731. of the Revised Code to practice medicine and surgery, 3549
 osteopathic medicine and surgery, or podiatric medicine and 3550
 surgery. 3551

(14) "Authorized person" means a person to whom a patient has 3552
 given written authorization to act on the patient's behalf 3553
 regarding the patient's medical record. 3554

(B) A patient, a patient's personal representative, or an 3555
 authorized person who wishes to examine or obtain a copy of part 3556
 or all of a medical record shall submit to the health care 3557
 provider a written request signed by the patient, personal 3558
 representative, or authorized person dated not more than one year 3559
 before the date on which it is submitted. The request shall 3560
 indicate whether the copy is to be sent to the requestor, 3561
 physician or chiropractor, or held for the requestor at the office 3562
 of the health care provider. Within a reasonable time after 3563
 receiving a request that meets the requirements of this division 3564
 and includes sufficient information to identify the record 3565
 requested, a health care provider that has the patient's medical 3566
 records shall permit the patient to examine the record during 3567
 regular business hours without charge or, on request, shall 3568
 provide a copy of the record in accordance with section 3701.741 3569
 of the Revised Code, except that if a physician, psychologist, 3570
 licensed professional clinical counselor, licensed professional 3571
 counselor, independent social worker, social worker, independent 3572
 marriage and family therapist, marriage and family therapist, or 3573
 chiropractor who has treated the patient determines for clearly 3574
 stated treatment reasons that disclosure of the requested record 3575
 is likely to have an adverse effect on the patient, the health 3576

care provider shall provide the record to a physician, 3577
 psychologist, licensed professional clinical counselor, licensed 3578
 professional counselor, independent social worker, social worker, 3579
 independent marriage and family therapist, marriage and family 3580
 therapist, or chiropractor designated by the patient. The health 3581
 care provider shall take reasonable steps to establish the 3582
 identity of the person making the request to examine or obtain a 3583
 copy of the patient's record. 3584

(C) If a health care provider fails to furnish a medical 3585
 record as required by division (B) of this section, the patient, 3586
 personal representative, or authorized person who requested the 3587
 record may bring a civil action to enforce the patient's right of 3588
 access to the record. 3589

(D)(1) This section does not apply to medical records whose 3590
 release is covered by section 173.20 or 3721.13 of the Revised 3591
 Code, by Chapter 1347., 5119., or 5122. of the Revised Code, by 42 3592
 C.F.R. part 2, "Confidentiality of Alcohol and Drug Abuse Patient 3593
 Records," or by 42 C.F.R. 483.10. 3594

(2) Nothing in this section is intended to supersede the 3595
 confidentiality provisions of sections 2305.24, 2305.25, 2305.251, 3596
 and 2305.252 of the Revised Code. 3597

Sec. 3709.161. (A) The board of health of a city or general 3598
 health district may procure a policy or policies of insurance 3599
 insuring the members of the board, the health commissioner, and 3600
 the employees of the board against liability on account of damage 3601
 or injury to persons and property resulting from any act or 3602
 omission that occurs in the individual's official capacity as a 3603
 member or employee of the board or resulting solely out of such 3604
 membership or employment. 3605

(B)(1) As used in this division, "health care professional"	3606
means all of the following:	3607
(a) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	3608 3609
(b) A registered nurse or licensed practical nurse licensed under Chapter 4723. of the Revised Code;	3610 3611
(c) A person licensed under Chapter 4729. of the Revised Code to practice as a pharmacist;	3612 3613
(d) A person authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	3614 3615
(e) A person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry;	3616 3617 3618
(f) A psychologist licensed under Chapter 4732. of the Revised Code;	3619 3620
(g) A veterinarian licensed under Chapter 4741. of the Revised Code;	3621 3622
(h) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	3623 3624
(i) An occupational therapist, physical therapist, physical therapist assistant, or athletic trainer licensed under Chapter 4755. of the Revised Code;	3625 3626 3627
(j) A licensed professional clinical counselor, licensed professional counselor, independent social worker, or social worker licensed under Chapter 4757. of the Revised Code;	3628 3629 3630
(k) A dietitian licensed under Chapter 4759. of the Revised Code;	3631 3632

<u>(1) A certified mental health assistant licensed under</u>	3633
<u>Chapter 4772. of the Revised Code.</u>	3634
(2) The board of health of a city or general health district	3635
may purchase liability insurance for a health care professional	3636
with whom the board contracts for the provision of health care	3637
services against liability on account of damage or injury to	3638
persons and property arising from the health care professional's	3639
performance of services under the contract. The policy shall be	3640
purchased from an insurance company licensed to do business in	3641
this state, if such a policy is available from such a company. The	3642
board of health of a city or general health district shall report	3643
the cost of the liability insurance policy and subsequent	3644
increases in the cost to the director of health on a form	3645
prescribed by the director.	3646
Sec. 3715.50. (A) As used in this section and in sections	3647
3715.501 to 3715.505 of the Revised Code:	3648
(1) "Advanced practice registered nurse" means an individual	3649
who holds a current, valid license issued under Chapter 4723. of	3650
the Revised Code and is designated as a clinical nurse specialist,	3651
certified nurse-midwife, or certified nurse practitioner.	3652
(2) "Overdose reversal drug" has the same meaning as in	3653
section 4729.01 of the Revised Code.	3654
(3) "Pharmacist" means an individual licensed under Chapter	3655
4729. of the Revised Code to practice as a pharmacist.	3656
(4) "Pharmacy intern" means an individual licensed under	3657
Chapter 4729. of the Revised Code to practice as a pharmacy	3658
intern.	3659
(5) "Physician" means an individual authorized under Chapter	3660

4731. of the Revised Code to practice medicine and surgery, 3661
osteopathic medicine and surgery, or podiatric medicine and 3662
surgery. 3663

(6) "Physician assistant" means an individual who is licensed 3664
under Chapter 4730. of the Revised Code, holds a valid prescriber 3665
number issued by the state medical board, and has been granted 3666
physician-delegated prescriptive authority. 3667

(7) "Certified mental health assistant" means an individual 3668
who is licensed under Chapter 4772. of the Revised Code and has 3669
been granted physician-delegated prescriptive authority. 3670

(B) Notwithstanding any conflicting provision of the Revised 3671
Code, any person or government entity may purchase, possess, 3672
distribute, dispense, personally furnish, sell, or otherwise 3673
obtain or provide an overdose reversal drug, which includes any 3674
instrument or device used to administer the drug, if all of the 3675
following conditions are met: 3676

(1) The overdose reversal drug is in its original 3677
manufacturer's packaging. 3678

(2) The overdose reversal drug's packaging contains the 3679
manufacturer's instructions for use. 3680

(3) The overdose reversal drug is stored in accordance with 3681
the manufacturer's or distributor's instructions. 3682

(C) In addition to actions authorized by division (B) of this 3683
section, any person or government entity may obtain and maintain a 3684
supply of an overdose reversal drug for either or both of the 3685
following purposes: for use in an emergency situation and for 3686
distribution through an automated mechanism. 3687

(1) In the case of a supply of an overdose reversal drug 3688
obtained and maintained for use in an emergency situation, a 3689

person or government entity shall do all of the following: 3690

(a) Provide to any individual who accesses the supply 3691
instructions regarding emergency administration of the drug, 3692
including a specific instruction to summon emergency services as 3693
necessary; 3694

(b) Establish a process for replacing within a reasonable 3695
time period any overdose reversal drug that has been accessed; 3696

(c) Store the overdose reversal drug in accordance with the 3697
manufacturer's or distributor's instructions. 3698

(2) In the case of a supply of an overdose reversal drug 3699
obtained and maintained for distribution through an automated 3700
mechanism, a person or government entity shall do all of the 3701
following: 3702

(a) Ensure that the mechanism is securely fastened to a 3703
permanent structure or is of an appropriate size and weight to 3704
reasonably prevent it from being removed from its intended 3705
location; 3706

(b) Provide to any individual who accesses the supply 3707
instructions regarding emergency administration of the drug, 3708
including a specific instruction to summon emergency services as 3709
necessary; 3710

(c) Develop a process for monitoring and replenishing the 3711
supply maintained in the automated mechanism; 3712

(d) Store the overdose reversal drug in accordance with the 3713
manufacturer's or distributor's instructions. 3714

(D) If the authority granted by division (B) or (C) of this 3715
section is exercised in good faith, the following immunities 3716
apply: 3717

(1) The person or government entity exercising the authority 3718
 is not subject to administrative action or criminal prosecution 3719
 and is not liable for damages in a civil action for injury, death, 3720
 or loss to person or property for an act or omission that arises 3721
 from exercising that authority. 3722

(2) After an overdose reversal drug has been dispensed or 3723
 personally furnished, the person or government entity is not 3724
 liable for or subject to any of the following for any act or 3725
 omission of the individual to whom the drug is dispensed or 3726
 personally furnished: damages in any civil action, prosecution in 3727
 any criminal proceeding, or professional disciplinary action. 3728

(E)(1) This section does not affect any other authority to 3729
 issue a prescription for, or personally furnish a supply of, an 3730
 overdose reversal drug. 3731

(2) This section does not eliminate, limit, or reduce any 3732
 other immunity or defense that a person or government entity may 3733
 be entitled to under section 9.86, Chapter 2744., section 4765.49, 3734
 or any other provision of the Revised Code or the common law of 3735
 this state. 3736

Sec. 3715.501. (A) Notwithstanding any conflicting provision 3737
 of the Revised Code or of any rule adopted by the state board of 3738
 pharmacy, state medical board, or board of nursing, both of the 3739
 following apply: 3740

(1) A physician, physician assistant, ~~or~~ advanced practice 3741
 registered nurse, or certified mental health assistant may issue a 3742
 prescription for an overdose reversal drug, or personally furnish 3743
 a supply of the drug, without having examined the individual to 3744
 whom it may be administered. The physician, physician assistant, 3745
~~or~~ advanced practice registered nurse, or certified mental health 3746

assistant exercising this authority shall provide, to the 3747
individual receiving the prescription or supply, instructions 3748
regarding the emergency administration of the drug, including a 3749
specific instruction to summon emergency services as necessary. 3750

(2) In the event that a prescription for an overdose reversal 3751
drug does not include the name of the individual to whom the drug 3752
may be administered, a pharmacist or pharmacy intern may dispense 3753
the drug to the individual who received the prescription. 3754

(B)(1) A physician, physician assistant, ~~or~~ advanced practice 3755
registered nurse, or certified mental health assistant who in good 3756
faith exercises the authority conferred by division (A)(1) of this 3757
section is not liable for or subject to any of the following for 3758
any act or omission of the individual to whom a prescription for 3759
an overdose reversal drug is issued or the supply of such a drug 3760
is furnished: damages in any civil action, prosecution in any 3761
criminal proceeding, or professional disciplinary action. 3762

(2) A pharmacist or pharmacy intern who in good faith 3763
exercises the authority conferred by division (A)(2) of this 3764
section is not liable for or subject to any of the following: 3765
damages in any civil action, prosecution in any criminal 3766
proceeding, or professional disciplinary action. 3767

Sec. 3715.502. (A) A physician, physician assistant, ~~or~~ 3768
advanced practice registered nurse, or certified mental health 3769
assistant may authorize one or more pharmacists and any of the 3770
pharmacy interns supervised by the one or more pharmacists to use 3771
a protocol developed pursuant to rules adopted under this section 3772
for the purpose of dispensing overdose reversal drugs. If use of 3773
the protocol has been authorized, a pharmacist or pharmacy intern 3774
may dispense overdose reversal drugs without a prescription to 3775
either of the following in accordance with that protocol: 3776

(1) An individual who there is reason to believe is experiencing or at risk of experiencing an opioid-related overdose;	3777 3778 3779
(2) A family member, friend, or other individual in a position to assist an individual who there is reason to believe is at risk of experiencing an opioid-related overdose.	3780 3781 3782
(B) A pharmacist or pharmacy intern who dispenses overdose reversal drugs under this section shall instruct the individual to whom the drugs are dispensed to summon emergency services as soon as practicable either before or after administering the drugs.	3783 3784 3785 3786
(C) A pharmacist may document on a prescription form the dispensing of overdose reversal drugs by the pharmacist or a pharmacy intern supervised by the pharmacist. The form may be assigned a number for recordkeeping purposes.	3787 3788 3789 3790
(D) This section does not affect the authority of a pharmacist or pharmacy intern to fill or refill a prescription for overdose reversal drugs.	3791 3792 3793
(E) A physician, physician assistant, or advanced practice registered nurse, <u>or certified mental health assistant</u> who in good faith authorizes a pharmacist or pharmacy intern to dispense overdose reversal drugs without a prescription, as provided in this section, is not liable for or subject to any of the following for any act or omission of the individual to whom the drugs are dispensed: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action.	3794 3795 3796 3797 3798 3799 3800 3801
A pharmacist or pharmacy intern authorized under this section to dispense overdose reversal drugs without a prescription who does so in good faith is not liable for or subject to any of the following for any act or omission of the individual to whom the	3802 3803 3804 3805

drugs are dispensed: damages in any civil action, prosecution in
any criminal proceeding, or professional disciplinary action.

(F) The state board of pharmacy, after consulting with the
state medical board and board of nursing, shall adopt rules to
implement this section. The rules shall specify a protocol under
which pharmacists or pharmacy interns may dispense overdose
reversal drugs without a prescription.

All rules adopted under this section shall be adopted in
accordance with Chapter 119. of the Revised Code.

(G)(1) The state board of pharmacy shall develop a program to
educate all of the following about the authority of a pharmacist
or pharmacy intern to dispense overdose reversal drugs without a
prescription:

(a) Holders of licenses issued under Chapter 4729. of the
Revised Code that engage in the sale or dispensing of overdose
reversal drugs pursuant to this section;

(b) Registered pharmacy technicians, certified pharmacy
technicians, and pharmacy technician trainees registered under
Chapter 4729. of the Revised Code who engage in the sale of
overdose reversal drugs pursuant to this section;

(c) Individuals who are not licensed or registered under
Chapter 4729. of the Revised Code but are employed by license
holders described in division (G)(1)(a) of this section.

(2) As part of the program, the board also shall educate the
license holders, pharmacy technicians, and employees described in
division (G)(1) of this section about maintaining an adequate
supply of overdose reversal drugs and methods for determining a
pharmacy's stock of such drugs.

(3) The board may use its web site to share information under

the program. 3835

Sec. 3715.503. (A) In addition to the actions authorized by 3836
 section 3715.50 of the Revised Code and subject to division (B) of 3837
 this section, a physician, physician assistant, ~~or~~ advanced 3838
practice registered nurse, or certified mental health assistant 3839
 may elect to establish a protocol authorizing any individual to 3840
 personally furnish a supply of an overdose reversal drug to 3841
 another individual pursuant to the protocol. A person authorized 3842
 to personally furnish an overdose reversal drug pursuant to the 3843
 protocol may do so without having examined the individual to whom 3844
 the drug may be administered. 3845

(B) A protocol established by a physician, physician 3846
 assistant, ~~or~~ advanced practice registered nurse, or certified 3847
mental health assistant for purposes of this section shall include 3848
 all of the following: 3849

(1) Any limitations to be applied concerning the individuals 3850
 to whom the overdose reversal drug may be personally furnished; 3851

(2) The overdose reversal drug dosage that may be personally 3852
 furnished and any variation in the dosage based on circumstances 3853
 specified in the protocol; 3854

(3) Any labeling, storage, recordkeeping, and administrative 3855
 requirements; 3856

(4) Training requirements that must be met before a person 3857
 will be authorized to personally furnish overdose reversal drugs; 3858

(5) Any instructions or training that the authorized person 3859
 must provide to an individual to whom an overdose reversal drug is 3860
 personally furnished. 3861

(C) A physician, physician assistant, ~~or~~ advanced practice 3862

registered nurse, or certified mental health assistant who in good 3863
 faith authorizes an individual to personally furnish a supply of 3864
 an overdose reversal drug in accordance with a protocol 3865
 established under this section, and an individual who in good 3866
 faith personally furnishes a supply under that authority, is not 3867
 liable for or subject to any of the following for any act or 3868
 omission of the individual to whom the overdose reversal drug is 3869
 personally furnished: damages in any civil action, prosecution in 3870
 any criminal proceeding, or professional disciplinary action. 3871

Sec. 3715.872. (A) As used in this section, "health care 3872
 professional" means any of the following who provide medical, 3873
 dental, or other health-related diagnosis, care, or treatment: 3874

(1) Individuals authorized under Chapter 4731. of the Revised 3875
 Code to practice medicine and surgery, osteopathic medicine and 3876
 surgery, or podiatric medicine and surgery; 3877

(2) Registered nurses and licensed practical nurses licensed 3878
 under Chapter 4723. of the Revised Code; 3879

(3) Physician assistants licensed under Chapter 4730. of the 3880
 Revised Code; 3881

(4) Dentists and dental hygienists licensed under Chapter 3882
 4715. of the Revised Code; 3883

(5) Optometrists licensed under Chapter 4725. of the Revised 3884
 Code; 3885

(6) Pharmacists licensed under Chapter 4729. of the Revised 3886
 Code; 3887

(7) Certified mental health assistants licensed under Chapter 3888
 4772. of the Revised Code. 3889

(B) For matters related to activities conducted under the 3890

drug repository program, all of the following apply: 3891

(1) A pharmacy, drug manufacturer, health care facility, or 3892
other person or government entity that donates or gives drugs to 3893
the program, and any person or government entity that facilitates 3894
the donation or gift, shall not be subject to liability in tort or 3895
other civil action for injury, death, or loss to person or 3896
property. 3897

(2) A pharmacy, hospital, or nonprofit clinic that accepts or 3898
distributes drugs under the program shall not be subject to 3899
liability in tort or other civil action for injury, death, or loss 3900
to person or property, unless an action or omission of the 3901
pharmacy, hospital, or nonprofit clinic constitutes willful and 3902
wanton misconduct. 3903

(3) A health care professional who accepts, dispenses, or 3904
personally furnishes drugs under the program on behalf of a 3905
pharmacy, hospital, or nonprofit clinic participating in the 3906
program, and the pharmacy, hospital, or nonprofit clinic that 3907
employs or otherwise uses the services of the health care 3908
professional, shall not be subject to liability in tort or other 3909
civil action for injury, death, or loss to person or property, 3910
unless an action or omission of the health care professional, 3911
pharmacy, hospital, or nonprofit clinic constitutes willful and 3912
wanton misconduct. 3913

(4) The state board of pharmacy shall not be subject to 3914
liability in tort or other civil action for injury, death, or loss 3915
to person or property, unless an action or omission of the board 3916
constitutes willful and wanton misconduct. 3917

(5) In addition to the civil immunity granted under division 3918
(B)(1) of this section, a pharmacy, drug manufacturer, health care 3919
facility, or other person or government entity that donates or 3920

gives drugs to the program, and any person or government entity 3921
 that facilitates the donation or gift, shall not be subject to 3922
 criminal prosecution for matters related to activities that it 3923
 conducts or another party conducts under the program, unless an 3924
 action or omission of the party that donates, gives, or 3925
 facilitates the donation or gift of the drugs does not comply with 3926
 the provisions of this chapter or the rules adopted under it. 3927

(6) In the case of a drug manufacturer, the immunities from 3928
 civil liability and criminal prosecution granted to another party 3929
 under divisions (B)(1) and (5) of this section extend to the 3930
 manufacturer when any drug it manufactures is the subject of an 3931
 activity conducted under the program. This extension of immunities 3932
 includes, but is not limited to, immunity from liability or 3933
 prosecution for failure to transfer or communicate product or 3934
 consumer information or the expiration date of a drug that is 3935
 donated or given. 3936

Sec. 3719.06. (A)(1) A licensed health professional 3937
 authorized to prescribe drugs, if acting in the course of 3938
 professional practice, in accordance with the laws regulating the 3939
 professional's practice, and in accordance with rules adopted by 3940
 the state board of pharmacy, may, except as provided in division 3941
 (A)(2) ~~or~~, (3), or (4) of this section, do the following: 3942

(a) Prescribe schedule II, III, IV, and V controlled 3943
 substances; 3944

(b) Administer or personally furnish to patients schedule II, 3945
 III, IV, and V controlled substances; 3946

(c) Cause schedule II, III, IV, and V controlled substances 3947
 to be administered under the prescriber's direction and 3948
 supervision. 3949

(2) A licensed health professional authorized to prescribe 3950
drugs who is a clinical nurse specialist, certified nurse-midwife, 3951
or certified nurse practitioner is subject to both of the 3952
following: 3953

(a) A schedule II controlled substance may be prescribed only 3954
in accordance with division (C) of section 4723.481 of the Revised 3955
Code. 3956

(b) No schedule II controlled substance shall be personally 3957
furnished to any patient. 3958

(3) A licensed health professional authorized to prescribe 3959
drugs who is a physician assistant is subject to all of the 3960
following: 3961

(a) A controlled substance may be prescribed or personally 3962
furnished only if it is included in the physician-delegated 3963
prescriptive authority granted to the physician assistant in 3964
accordance with Chapter 4730. of the Revised Code. 3965

(b) A schedule II controlled substance may be prescribed only 3966
in accordance with division (B)(4) of section 4730.41 and section 3967
4730.411 of the Revised Code. 3968

(c) No schedule II controlled substance shall be personally 3969
furnished to any patient. 3970

(4) A licensed health professional authorized to prescribe 3971
drugs who is a certified mental health assistant is subject to 3972
both of the following: 3973

(a) A controlled substance may be prescribed or personally 3974
furnished only in accordance with sections 4772.12 and 4772.13 of 3975
the Revised Code. 3976

(b) No schedule II controlled substance shall be personally 3977

furnished to any patient. 3978

(B) No licensed health professional authorized to prescribe 3979
drugs shall prescribe, administer, or personally furnish a 3980
schedule III anabolic steroid for the purpose of human muscle 3981
building or enhancing human athletic performance and no pharmacist 3982
shall dispense a schedule III anabolic steroid for either purpose, 3983
unless it has been approved for that purpose under the "Federal 3984
Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 3985
301, as amended. 3986

(C) When issuing a prescription for a schedule II controlled 3987
substance, a licensed health professional authorized to prescribe 3988
drugs shall do so only upon an electronic prescription, except 3989
that the prescriber may issue a written prescription if any of the 3990
following apply: 3991

(1) A temporary technical, electrical, or broadband failure 3992
occurs preventing the prescriber from issuing an electronic 3993
prescription. 3994

(2) The prescription is issued for a nursing home resident or 3995
hospice care patient. 3996

(3) The prescriber is employed by or under contract with the 3997
same entity that operates the pharmacy. 3998

(4) The prescriber determines that an electronic prescription 3999
cannot be issued in a timely manner and the patient's medical 4000
condition is at risk. 4001

(5) The prescriber issues the prescription from a health care 4002
facility, which may include an emergency department, and 4003
reasonably determines that an electronic prescription would be 4004
impractical for the patient or would cause a delay that may 4005
adversely impact the patient's medical condition. 4006

(6) The prescriber issues per year not more than fifty prescriptions for schedule II controlled substances.

(7) The prescriber is a veterinarian licensed under Chapter 4741. of the Revised Code.

(D) Each written or electronic prescription for a controlled substance shall be properly executed, dated, and signed by the prescriber on the day when issued and shall bear the full name and address of the person for whom, or the owner of the animal for which, the controlled substance is prescribed and the full name, address, and registry number under the federal drug abuse control laws of the prescriber. If the prescription is for an animal, it shall state the species of the animal for which the controlled substance is prescribed.

Sec. 3719.064. (A) As used in this section:

(1) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.

(2) "Prescriber" means any of the following:

(a) An advanced practice registered nurse who holds a current, valid license issued under Chapter 4723. of the Revised Code and is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner;

(b) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(c) A physician assistant who is licensed under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority;

(d) A certified mental health assistant who is licensed under Chapter 4772. of the Revised Code and has been granted physician-delegated prescriptive authority by the physician supervising the certified mental health assistant.

(3) "Qualifying practitioner" has the same meaning as in section 303(g)(2)(G)(iii) of the "Controlled Substances Act of 1970," 21 U.S.C. 823(g)(2)(G)(iii), as amended.

(B) Before initiating medication-assisted treatment, a prescriber shall give the patient or the patient's representative information about all drugs approved by the United States food and drug administration for use in medication-assisted treatment. The information must be provided both orally and in writing. The prescriber or the prescriber's delegate shall note in the patient's medical record when this information was provided and make the record available to employees of the board of nursing or state medical board on their request.

If the prescriber is not a qualifying practitioner and the patient's choice is opioid treatment and the prescriber determines that such treatment is clinically appropriate and meets generally accepted standards of medicine, the prescriber shall refer the patient to an opioid treatment program licensed under section 5119.37 of the Revised Code or a qualifying practitioner. The prescriber or the prescriber's delegate shall make a notation in the patient's medical record naming the program or practitioner to whom the patient was referred and specifying when the referral was made.

Sec. 3719.121. (A) Except as otherwise provided in section 4723.28, 4723.35, 4730.25, 4731.22, 4734.39, ~~or~~ 4734.41, or 4772.20 of the Revised Code, the license, certificate, or

registration of any dentist, chiropractor, physician, podiatrist, 4064
registered nurse, advanced practice registered nurse, licensed 4065
practical nurse, physician assistant, pharmacist, pharmacy intern, 4066
pharmacy technician trainee, registered pharmacy technician, 4067
certified pharmacy technician, optometrist, ~~or~~ veterinarian, or 4068
certified mental health assistant who is or becomes addicted to 4069
the use of controlled substances shall be suspended by the board 4070
that authorized the person's license, certificate, or registration 4071
until the person offers satisfactory proof to the board that the 4072
person no longer is addicted to the use of controlled substances. 4073

(B) If the board under which a person has been issued a 4074
license, certificate, or evidence of registration determines that 4075
there is clear and convincing evidence that continuation of the 4076
person's professional practice or method of administering, 4077
prescribing, preparing, distributing, dispensing, or personally 4078
furnishing controlled substances or other dangerous drugs presents 4079
a danger of immediate and serious harm to others, the board may 4080
suspend the person's license, certificate, or registration without 4081
a hearing. Except as otherwise provided in sections 4715.30, 4082
4723.281, 4729.16, 4730.25, 4731.22, ~~and~~ 4734.36, and 4772.20 of 4083
the Revised Code, the board shall follow the procedure for 4084
suspension without a prior hearing in section 119.07 of the 4085
Revised Code. The suspension shall remain in effect, unless 4086
removed by the board, until the board's final adjudication order 4087
becomes effective, except that if the board does not issue its 4088
final adjudication order within ninety days after the hearing, the 4089
suspension shall be void on the ninety-first day after the 4090
hearing. 4091

(C) On receiving notification pursuant to section 2929.42 or 4092
3719.12 of the Revised Code, the board under which a person has 4093

been issued a license, certificate, or evidence of registration 4094
 immediately shall suspend the license, certificate, or 4095
 registration of that person on a plea of guilty to, a finding by a 4096
 jury or court of the person's guilt of, or conviction of a felony 4097
 drug abuse offense; a finding by a court of the person's 4098
 eligibility for intervention in lieu of conviction; a plea of 4099
 guilty to, or a finding by a jury or court of the person's guilt 4100
 of, or the person's conviction of an offense in another 4101
 jurisdiction that is essentially the same as a felony drug abuse 4102
 offense; or a finding by a court of the person's eligibility for 4103
 treatment or intervention in lieu of conviction in another 4104
 jurisdiction. The board shall notify the holder of the license, 4105
 certificate, or registration of the suspension, which shall remain 4106
 in effect until the board holds an adjudicatory hearing under 4107
 Chapter 119. of the Revised Code. 4108

Sec. 3719.13. Prescriptions, orders, and records, required by 4109
 Chapter 3719. of the Revised Code, and stocks of dangerous drugs 4110
 and controlled substances, shall be open for inspection only to 4111
 federal, state, county, and municipal officers, and employees of 4112
 the state board of pharmacy whose duty it is to enforce the laws 4113
 of this state or of the United States relating to controlled 4114
 substances. Such prescriptions, orders, records, and stocks shall 4115
 be open for inspection by employees of the state medical board for 4116
 purposes of enforcing Chapters 4730. ~~and~~, 4731., and 4772. of the 4117
 Revised Code, employees of the board of nursing for purposes of 4118
 enforcing Chapter 4723. of the Revised Code, and employees of the 4119
 department of mental health and addiction services for purposes of 4120
 section 5119.37 of the Revised Code. No person having knowledge of 4121
 any such prescription, order, or record shall divulge such 4122
 knowledge, except in connection with a prosecution or proceeding 4123

in court or before a licensing or registration board or officer, 4124
to which prosecution or proceeding the person to whom such 4125
prescriptions, orders, or records relate is a party. 4126

Sec. 3719.81. (A) As used in this section, "sample drug" has 4127
the same meaning as in section 2925.01 of the Revised Code. 4128

(B) A person may furnish another a sample drug, if all of the 4129
following apply: 4130

(1) The sample drug is furnished free of charge by a 4131
manufacturer, manufacturer's representative, or wholesale dealer 4132
in pharmaceuticals to a licensed health professional authorized to 4133
prescribe drugs, or is furnished free of charge by such a 4134
professional to a patient for use as medication; 4135

(2) The sample drug is in the original container in which it 4136
was placed by the manufacturer, and the container is plainly 4137
marked as a sample; 4138

(3) Prior to its being furnished, the sample drug has been 4139
stored under the proper conditions to prevent its deterioration or 4140
contamination; 4141

(4) If the sample drug is of a type which deteriorates with 4142
time, the sample container is plainly marked with the date beyond 4143
which the sample drug is unsafe to use, and the date has not 4144
expired on the sample furnished. Compliance with the labeling 4145
requirements of the "Federal Food, Drug, and Cosmetic Act," 52 4146
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, shall be deemed 4147
compliance with this section. 4148

(5) The sample drug is distributed, stored, or discarded in 4149
such a way that the sample drug may not be acquired or used by any 4150
unauthorized person, or by any person, including a child, for whom 4151

it may present a health or safety hazard. 4152

(C) Division (B) of this section does not do any of the 4153
following: 4154

(1) Apply to or restrict the furnishing of any sample of a 4155
nonnarcotic substance if the substance may, under the "Federal 4156
Food, Drug, and Cosmetic Act" and under the laws of this state, 4157
otherwise be lawfully sold over the counter without a 4158
prescription; 4159

(2) Authorize a licensed health professional authorized to 4160
prescribe drugs who is a clinical nurse specialist, certified 4161
nurse-midwife, certified nurse practitioner, optometrist, ~~or~~ 4162
physician assistant, or certified mental health assistant to 4163
furnish a sample drug that is not a drug the professional is 4164
authorized to prescribe. 4165

(3) Prohibit a licensed health professional authorized to 4166
prescribe drugs, manufacturer of dangerous drugs, wholesale 4167
distributor of dangerous drugs, or representative of a 4168
manufacturer of dangerous drugs from furnishing a sample drug to a 4169
charitable pharmacy in accordance with section 3719.811 of the 4170
Revised Code. 4171

(4) Prohibit a pharmacist working, whether or not for 4172
compensation, in a charitable pharmacy from dispensing a sample 4173
drug to a person in accordance with section 3719.811 of the 4174
Revised Code. 4175

(D) The state board of pharmacy shall, in accordance with 4176
Chapter 119. of the Revised Code, adopt rules as necessary to give 4177
effect to this section. 4178

Sec. 4729.01. As used in this chapter: 4179

(A) "Pharmacy," except when used in a context that refers to 4180
the practice of pharmacy, means any area, room, rooms, place of 4181
business, department, or portion of any of the foregoing where the 4182
practice of pharmacy is conducted. 4183

(B) "Practice of pharmacy" means providing pharmacist care 4184
requiring specialized knowledge, judgment, and skill derived from 4185
the principles of biological, chemical, behavioral, social, 4186
pharmaceutical, and clinical sciences. As used in this division, 4187
"pharmacist care" includes the following: 4188

(1) Interpreting prescriptions; 4189

(2) Dispensing drugs and drug therapy related devices; 4190

(3) Compounding drugs; 4191

(4) Counseling individuals with regard to their drug therapy, 4192
recommending drug therapy related devices, and assisting in the 4193
selection of drugs and appliances for treatment of common diseases 4194
and injuries and providing instruction in the proper use of the 4195
drugs and appliances; 4196

(5) Performing drug regimen reviews with individuals by 4197
discussing all of the drugs that the individual is taking and 4198
explaining the interactions of the drugs; 4199

(6) Performing drug utilization reviews with licensed health 4200
professionals authorized to prescribe drugs when the pharmacist 4201
determines that an individual with a prescription has a drug 4202
regimen that warrants additional discussion with the prescriber; 4203

(7) Advising an individual and the health care professionals 4204
treating an individual with regard to the individual's drug 4205
therapy; 4206

(8) Acting pursuant to a consult agreement, if an agreement 4207

has been established;	4208
(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code;	4209 4210
(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.	4211 4212
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:	4213 4214 4215
(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;	4216 4217
(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	4218 4219
(3) As an incident to research, teaching activities, or chemical analysis;	4220 4221
(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;	4222 4223 4224
(5) Pursuant to a request made by a licensed health professional authorized to prescribe drugs for a drug that is to be used by the professional for the purpose of direct administration to patients in the course of the professional's practice, if all of the following apply:	4225 4226 4227 4228 4229
(a) At the time the request is made, the drug is not commercially available regardless of the reason that the drug is not available, including the absence of a manufacturer for the drug or the lack of a readily available supply of the drug from a manufacturer.	4230 4231 4232 4233 4234
(b) A limited quantity of the drug is compounded and provided	4235

to the professional.	4236
(c) The drug is compounded and provided to the professional	4237
as an occasional exception to the normal practice of dispensing	4238
drugs pursuant to patient-specific prescriptions.	4239
(D) "Consult agreement" means an agreement that has been	4240
entered into under section 4729.39 of the Revised Code.	4241
(E) "Drug" means:	4242
(1) Any article recognized in the United States pharmacopoeia	4243
and national formulary, or any supplement to them, intended for	4244
use in the diagnosis, cure, mitigation, treatment, or prevention	4245
of disease in humans or animals;	4246
(2) Any other article intended for use in the diagnosis,	4247
cure, mitigation, treatment, or prevention of disease in humans or	4248
animals;	4249
(3) Any article, other than food, intended to affect the	4250
structure or any function of the body of humans or animals;	4251
(4) Any article intended for use as a component of any	4252
article specified in division (E)(1), (2), or (3) of this section;	4253
but does not include devices or their components, parts, or	4254
accessories.	4255
"Drug" does not include "hemp" or a "hemp product" as those	4256
terms are defined in section 928.01 of the Revised Code.	4257
(F) "Dangerous drug" means any of the following:	4258
(1) Any drug to which either of the following applies:	4259
(a) Under the "Federal Food, Drug, and Cosmetic Act," 52	4260
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is	4261
required to bear a label containing the legend "Caution: Federal	4262
law prohibits dispensing without prescription" or "Caution:	4263

Federal law restricts this drug to use by or on the order of a
 licensed veterinarian" or any similar restrictive statement, or
 the drug may be dispensed only upon a prescription;

(b) Under Chapter 3715. or 3719. of the Revised Code, the
 drug may be dispensed only upon a prescription.

(2) Any drug that contains a schedule V controlled substance
 and that is exempt from Chapter 3719. of the Revised Code or to
 which that chapter does not apply;

(3) Any drug intended for administration by injection into
 the human body other than through a natural orifice of the human
 body;

(4) Any drug that is a biological product, as defined in
 section 3715.01 of the Revised Code.

(G) "Federal drug abuse control laws" has the same meaning as
 in section 3719.01 of the Revised Code.

(H) "Prescription" means all of the following:

(1) A written, electronic, or oral order for drugs or
 combinations or mixtures of drugs to be used by a particular
 individual or for treating a particular animal, issued by a
 licensed health professional authorized to prescribe drugs;

(2) For purposes of sections 4723.4810, 4729.282, 4730.432,
 and 4731.93 of the Revised Code, a written, electronic, or oral
 order for a drug to treat chlamydia, gonorrhea, or trichomoniasis
 issued to and in the name of a patient who is not the intended
 user of the drug but is the sexual partner of the intended user;

(3) For purposes of sections 3313.7110, 3313.7111, 3314.143,
 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 4731.96, and
 5101.76 of the Revised Code, a written, electronic, or oral order

for an epinephrine autoinjector issued to and in the name of a	4292
school, school district, or camp;	4293
(4) For purposes of Chapter 3728. and sections 4723.483,	4294
4729.88, 4730.433, and 4731.96 of the Revised Code, a written,	4295
electronic, or oral order for an epinephrine autoinjector issued	4296
to and in the name of a qualified entity, as defined in section	4297
3728.01 of the Revised Code;	4298
(5) For purposes of sections 3313.7115, 3313.7116, 3314.147,	4299
3326.60, 3328.38, 4723.4811, 4730.437, 4731.92, and 5101.78 of the	4300
Revised Code, a written, electronic, or oral order for injectable	4301
or nasally administered glucagon in the name of a school, school	4302
district, or camp.	4303
(I) "Licensed health professional authorized to prescribe	4304
drugs" or "prescriber" means an individual who is authorized by	4305
law to prescribe drugs or dangerous drugs or drug therapy related	4306
devices in the course of the individual's professional practice,	4307
including only the following:	4308
(1) A dentist licensed under Chapter 4715. of the Revised	4309
Code;	4310
(2) A clinical nurse specialist, certified nurse-midwife, or	4311
certified nurse practitioner who holds a current, valid license	4312
issued under Chapter 4723. of the Revised Code to practice nursing	4313
as an advanced practice registered nurse;	4314
(3) A certified registered nurse anesthetist who holds a	4315
current, valid license issued under Chapter 4723. of the Revised	4316
Code to practice nursing as an advanced practice registered nurse,	4317
but only to the extent of the nurse's authority under sections	4318
4723.43 and 4723.434 of the Revised Code;	4319
(4) An optometrist licensed under Chapter 4725. of the	4320

Revised Code to practice optometry;	4321
(5) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;	4322 4323 4324
(6) A physician assistant who holds a license to practice as a physician assistant issued under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority;	4325 4326 4327 4328 4329
(7) A veterinarian licensed under Chapter 4741. of the Revised Code;	4330 4331
<u>(8) A certified mental health assistant licensed under Chapter 4772. of the Revised Code who has been granted physician-delegated prescriptive authority by the physician supervising the certified mental health assistant.</u>	4332 4333 4334 4335
(J) "Sale" or "sell" includes any transaction made by any person, whether as principal proprietor, agent, or employee, to do or offer to do any of the following: deliver, distribute, broker, exchange, gift or otherwise give away, or transfer, whether the transfer is by passage of title, physical movement, or both.	4336 4337 4338 4339 4340
(K) "Wholesale sale" and "sale at wholesale" mean any sale in which the purpose of the purchaser is to resell the article purchased or received by the purchaser.	4341 4342 4343
(L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale.	4344 4345
(M) "Retail seller" means any person that sells any dangerous drug to consumers without assuming control over and responsibility for its administration. Mere advice or instructions regarding administration do not constitute control or establish	4346 4347 4348 4349

responsibility.	4350
(N) "Price information" means the price charged for a	4351
prescription for a particular drug product and, in an easily	4352
understandable manner, all of the following:	4353
(1) The proprietary name of the drug product;	4354
(2) The established (generic) name of the drug product;	4355
(3) The strength of the drug product if the product contains	4356
a single active ingredient or if the drug product contains more	4357
than one active ingredient and a relevant strength can be	4358
associated with the product without indicating each active	4359
ingredient. The established name and quantity of each active	4360
ingredient are required if such a relevant strength cannot be so	4361
associated with a drug product containing more than one	4362
ingredient.	4363
(4) The dosage form;	4364
(5) The price charged for a specific quantity of the drug	4365
product. The stated price shall include all charges to the	4366
consumer, including, but not limited to, the cost of the drug	4367
product, professional fees, handling fees, if any, and a statement	4368
identifying professional services routinely furnished by the	4369
pharmacy. Any mailing fees and delivery fees may be stated	4370
separately without repetition. The information shall not be false	4371
or misleading.	4372
(O) "Wholesale distributor of dangerous drugs" or "wholesale	4373
distributor" means a person engaged in the sale of dangerous drugs	4374
at wholesale and includes any agent or employee of such a person	4375
authorized by the person to engage in the sale of dangerous drugs	4376
at wholesale.	4377
(P) "Manufacturer of dangerous drugs" or "manufacturer" means	4378

a person, other than a pharmacist or prescriber, who manufactures 4379
 dangerous drugs and who is engaged in the sale of those dangerous 4380
 drugs. 4381

(Q) "Terminal distributor of dangerous drugs" or "terminal 4382
 distributor" means a person who is engaged in the sale of 4383
 dangerous drugs at retail, or any person, other than a 4384
 manufacturer, repackager, outsourcing facility, third-party 4385
 logistics provider, wholesale distributor, or pharmacist, who has 4386
 possession, custody, or control of dangerous drugs for any purpose 4387
 other than for that person's own use and consumption. "Terminal 4388
 distributor" includes pharmacies, hospitals, nursing homes, and 4389
 laboratories and all other persons who procure dangerous drugs for 4390
 sale or other distribution by or under the supervision of a 4391
 pharmacist, licensed health professional authorized to prescribe 4392
 drugs, or other person authorized by the state board of pharmacy. 4393

(R) "Promote to the public" means disseminating a 4394
 representation to the public in any manner or by any means, other 4395
 than by labeling, for the purpose of inducing, or that is likely 4396
 to induce, directly or indirectly, the purchase of a dangerous 4397
 drug at retail. 4398

(S) "Person" includes any individual, partnership, 4399
 association, limited liability company, or corporation, the state, 4400
 any political subdivision of the state, and any district, 4401
 department, or agency of the state or its political subdivisions. 4402

(T)(1) "Animal shelter" means a facility operated by a humane 4403
 society or any society organized under Chapter 1717. of the 4404
 Revised Code or a dog pound operated pursuant to Chapter 955. of 4405
 the Revised Code. 4406

(2) "County dog warden" means a dog warden or deputy dog 4407
 warden appointed or employed under section 955.12 of the Revised 4408

Code.	4409
(U) "Food" has the same meaning as in section 3715.01 of the Revised Code.	4410 4411
(V) "Pain management clinic" has the same meaning as in section 4731.054 of the Revised Code.	4412 4413
(W) "Investigational drug or product" means a drug or product that has successfully completed phase one of the United States food and drug administration clinical trials and remains under clinical trial, but has not been approved for general use by the United States food and drug administration. "Investigational drug or product" does not include controlled substances in schedule I, as defined in section 3719.01 of the Revised Code.	4414 4415 4416 4417 4418 4419 4420
(X) "Product," when used in reference to an investigational drug or product, means a biological product, other than a drug, that is made from a natural human, animal, or microorganism source and is intended to treat a disease or medical condition.	4421 4422 4423 4424
(Y) "Third-party logistics provider" means a person that provides or coordinates warehousing or other logistics services pertaining to dangerous drugs including distribution, on behalf of a manufacturer, wholesale distributor, or terminal distributor of dangerous drugs, but does not take ownership of the drugs or have responsibility to direct the sale or disposition of the drugs.	4425 4426 4427 4428 4429 4430
(Z) "Repackager of dangerous drugs" or "repackager" means a person that repacks and relabels dangerous drugs for sale or distribution.	4431 4432 4433
(AA) "Outsourcing facility" means a facility that is engaged in the compounding and sale of sterile drugs and is registered as an outsourcing facility with the United States food and drug administration.	4434 4435 4436 4437

(BB) "Laboratory" means a laboratory licensed under this chapter as a terminal distributor of dangerous drugs and entrusted to have custody of any of the following drugs and to use the drugs for scientific and clinical purposes and for purposes of instruction: dangerous drugs that are not controlled substances, as defined in section 3719.01 of the Revised Code; dangerous drugs that are controlled substances, as defined in that section; and controlled substances in schedule I, as defined in that section.

(CC) "Overdose reversal drug" means both of the following:

(1) Naloxone;

(2) Any other drug that the state board of pharmacy, through rules adopted in accordance with Chapter 119. of the Revised Code, designates as a drug that is approved by the federal food and drug administration for the reversal of a known or suspected opioid-related overdose.

Sec. 4729.51. (A) No person other than a licensed manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, or wholesale distributor of dangerous drugs shall possess for sale, sell, distribute, or deliver, at wholesale, dangerous drugs or investigational drugs or products, except as follows:

(1) A licensed terminal distributor of dangerous drugs that is a pharmacy may make occasional sales of dangerous drugs or investigational drugs or products at wholesale.

(2) A licensed terminal distributor of dangerous drugs having more than one licensed location may transfer or deliver dangerous drugs from one licensed location to another licensed location owned by the terminal distributor if the license issued for each location is in effect at the time of the transfer or delivery.

(3) A licensed terminal distributor of dangerous drugs that	4467
is not a pharmacy may make occasional sales of the following at	4468
wholesale:	4469
(a) Overdose reversal drugs;	4470
(b) Dangerous drugs if the drugs being sold are in shortage,	4471
as defined in rules adopted under section 4729.26 of the Revised	4472
Code;	4473
(c) Dangerous drugs other than those described in divisions	4474
(A)(3)(a) and (b) of this section or investigational drugs or	4475
products if authorized by rules adopted under section 4729.26 of	4476
the Revised Code.	4477
(B) No licensed manufacturer, outsourcing facility,	4478
third-party logistics provider, repackager, or wholesale	4479
distributor shall possess for sale, sell, or distribute, at	4480
wholesale, dangerous drugs or investigational drugs or products to	4481
any person other than the following:	4482
(1) Subject to division (D) of this section, a licensed	4483
terminal distributor of dangerous drugs;	4484
(2) Subject to division (C) of this section, any person	4485
exempt from licensure as a terminal distributor of dangerous drugs	4486
under section 4729.541 of the Revised Code;	4487
(3) A licensed manufacturer, outsourcing facility,	4488
third-party logistics provider, repackager, or wholesale	4489
distributor;	4490
(4) A terminal distributor, manufacturer, outsourcing	4491
facility, third-party logistics provider, repackager, or wholesale	4492
distributor that is located in another state, is not engaged in	4493
the sale of dangerous drugs within this state, and is actively	4494
licensed to engage in the sale of dangerous drugs by the state in	4495

which the distributor conducts business. 4496

(C) No licensed manufacturer, outsourcing facility, 4497
 third-party logistics provider, repackager, or wholesale 4498
 distributor shall possess for sale, sell, or distribute, at 4499
 wholesale, dangerous drugs or investigational drugs or products to 4500
 either of the following: 4501

(1) A prescriber who is employed by either of the following: 4502

(a) A pain management clinic that is not licensed as a 4503
 terminal distributor of dangerous drugs with a pain management 4504
 clinic classification issued under section 4729.552 of the Revised 4505
 Code; 4506

(b) A facility, clinic, or other location that provides 4507
 office-based opioid treatment but is not licensed as a terminal 4508
 distributor of dangerous drugs with an office-based opioid 4509
 treatment classification issued under section 4729.553 of the 4510
 Revised Code if such a license is required by that section. 4511

(2) A business entity described in division (A)(2) or (3) of 4512
 section 4729.541 of the Revised Code that is, or is operating, 4513
 either of the following: 4514

(a) A pain management clinic without a license as a terminal 4515
 distributor of dangerous drugs with a pain management clinic 4516
 classification issued under section 4729.552 of the Revised Code; 4517

(b) A facility, clinic, or other location that provides 4518
 office-based opioid treatment without a license as a terminal 4519
 distributor of dangerous drugs with an office-based opioid 4520
 treatment classification issued under section 4729.553 of the 4521
 Revised Code if such a license is required by that section. 4522

(D) No licensed manufacturer, outsourcing facility, 4523
 third-party logistics provider, repackager, or wholesale 4524

distributor shall possess dangerous drugs or investigational drugs 4525
or products for sale at wholesale, or sell or distribute such 4526
drugs at wholesale, to a licensed terminal distributor of 4527
dangerous drugs, except as follows: 4528

(1) In the case of a terminal distributor with a category II 4529
license, only dangerous drugs in category II, as defined in 4530
division (A)(1) of section 4729.54 of the Revised Code; 4531

(2) In the case of a terminal distributor with a category III 4532
license, dangerous drugs in category II and category III, as 4533
defined in divisions (A)(1) and (2) of section 4729.54 of the 4534
Revised Code; 4535

(3) In the case of a terminal distributor with a limited 4536
category II or III license, only the dangerous drugs specified in 4537
the license. 4538

(E)(1) Except as provided in division (E)(2) of this section, 4539
no person shall do any of the following: 4540

(a) Sell or distribute, at retail, dangerous drugs; 4541

(b) Possess for sale, at retail, dangerous drugs; 4542

(c) Possess dangerous drugs. 4543

(2)(a) Divisions (E)(1)(a), (b), and (c) of this section do 4544
not apply to any of the following: 4545

(i) A licensed terminal distributor of dangerous drugs; 4546

(ii) A person who possesses, or possesses for sale or sells, 4547
at retail, a dangerous drug in accordance with Chapters 3719., 4548
4715., 4723., 4725., 4729., 4730., 4731., ~~and 4741.~~, and 4772. of 4549
the Revised Code; 4550

(iii) Any of the persons identified in divisions (A)(1) to 4551
(5) and (15) of section 4729.541 of the Revised Code, but only to 4552

the extent specified in that section. 4553

(b) Division (E)(1)(c) of this section does not apply to any 4554
of the following: 4555

(i) A licensed manufacturer, outsourcing facility, 4556
third-party logistics provider, repackager, or wholesale 4557
distributor; 4558

(ii) Any of the persons identified in divisions (A)(6) to 4559
(14) of section 4729.541 of the Revised Code, but only to the 4560
extent specified in that section. 4561

(F) No licensed terminal distributor of dangerous drugs or 4562
person that is exempt from licensure under section 4729.541 of the 4563
Revised Code shall purchase dangerous drugs or investigational 4564
drugs or products from any person other than a licensed 4565
manufacturer, outsourcing facility, third-party logistics 4566
provider, repackager, or wholesale distributor, except as follows: 4567

(1) A licensed terminal distributor of dangerous drugs or 4568
person that is exempt from licensure under section 4729.541 of the 4569
Revised Code may make occasional purchases of dangerous drugs or 4570
investigational drugs or products that are sold in accordance with 4571
division (A)(1) or (3) of this section. 4572

(2) A licensed terminal distributor of dangerous drugs having 4573
more than one licensed location may transfer or deliver dangerous 4574
drugs or investigational drugs or products from one licensed 4575
location to another licensed location if the license issued for 4576
each location is in effect at the time of the transfer or 4577
delivery. 4578

(G) No licensed terminal distributor of dangerous drugs shall 4579
engage in the retail sale or other distribution of dangerous drugs 4580
or investigational drugs or products or maintain possession, 4581

custody, or control of dangerous drugs or investigational drugs or 4582
products for any purpose other than the distributor's personal use 4583
or consumption, at any establishment or place other than that or 4584
those described in the license issued by the state board of 4585
pharmacy to such terminal distributor. 4586

(H) Nothing in this section shall be construed to interfere 4587
with the performance of official duties by any law enforcement 4588
official authorized by municipal, county, state, or federal law to 4589
collect samples of any drug, regardless of its nature or in whose 4590
possession it may be. 4591

(I) Notwithstanding anything to the contrary in this section, 4592
the board of education of a city, local, exempted village, or 4593
joint vocational school district may distribute epinephrine 4594
autoinjectors for use in accordance with section 3313.7110 of the 4595
Revised Code, may distribute inhalers for use in accordance with 4596
section 3313.7113 of the Revised Code, and may distribute 4597
injectable or nasally administered glucagon for use in accordance 4598
with section 3313.7115 of the Revised Code. 4599

Sec. 4729.553. (A) As used in this section: 4600

(1) "Advanced practice registered nurse" has the same meaning 4601
as in section 4723.01 of the Revised Code. 4602

(2) "Controlled substance" has the same meaning as in section 4603
3719.01 of the Revised Code. 4604

(3) "Hospital" means a hospital registered with the 4605
department of health under section 3701.07 of the Revised Code. 4606

(4) "Office-based opioid treatment" means the treatment of 4607
opioid dependence or addiction using a controlled substance. 4608

(5) "Physician" means an individual who is authorized under 4609

Chapter 4731. of the Revised Code to practice medicine and surgery	4610
or osteopathic medicine and surgery.	4611
(6) "Physician assistant" means an individual who is licensed	4612
under Chapter 4730. of the Revised Code.	4613
<u>(7) "Certified mental health assistant" means an individual</u>	4614
<u>who is licensed under Chapter 4772. of the Revised Code.</u>	4615
(B)(1) Except as provided in divisions (B)(2) and (3) of this	4616
section, no person shall knowingly operate a facility, clinic, or	4617
other location where a prescriber provides office-based opioid	4618
treatment to more than thirty patients or that meets any other	4619
identifying criteria established in rules adopted under this	4620
section without holding a category III terminal distributor of	4621
dangerous drugs license with an office-based opioid treatment	4622
classification.	4623
(2) Division (B)(1) of this section does not apply to any of	4624
the following:	4625
(a) A hospital;	4626
(b) A facility for the treatment of opioid dependence or	4627
addiction that is operated by a hospital;	4628
(c) A physician practice owned or controlled, in whole or in	4629
part, by a hospital or by an entity that owns or controls, in	4630
whole or in part, one or more hospitals;	4631
(d) A facility that conducts only clinical research and uses	4632
controlled substances in studies approved by a hospital-based	4633
institutional review board or an institutional review board that	4634
is accredited by the association for the accreditation of human	4635
research protection programs, inc.;	4636
(e) A facility that holds a category III terminal distributor	4637

of dangerous drugs license in accordance with section 4729.54 of 4638
the Revised Code for the purpose of treating drug dependence or 4639
addiction as part of an opioid treatment program and is the 4640
subject of a current, valid certification from the substance abuse 4641
and mental health services administration of the United States 4642
department of health and human services pursuant to 42 C.F.R. 4643
8.11; 4644

(f) A program or facility that holds a license or 4645
certification issued by the department of mental health and 4646
addiction services under Chapter 5119. of the Revised Code if the 4647
license or certification is approved by the state board of 4648
pharmacy; 4649

(g) A federally qualified health center or federally 4650
qualified health center look-alike, as defined in section 3701.047 4651
of the Revised Code; 4652

(h) A state or local correctional facility, as defined in 4653
section 5163.45 of the Revised Code; 4654

(i) A facility in which patients are treated on-site for 4655
opioid dependence or addiction exclusively through direct 4656
administration by a physician, physician assistant, ~~or~~ advanced 4657
practice registered nurse, or certified mental health assistant of 4658
drugs that are used for treatment of opioid dependence or 4659
addiction and are neither dispensed nor personally furnished to 4660
patients for off-site self-administration; 4661

(j) Any other facility specified in rules adopted under this 4662
section. 4663

(3) A patient who receives treatment on-site for opioid 4664
dependence or addiction through direct administration of a drug by 4665
a physician, physician assistant, ~~or~~ advanced practice registered 4666

nurse, or certified mental health assistant shall not be included 4667
in determining whether more than thirty patients are being 4668
provided office-based opioid treatment in a particular facility, 4669
clinic, or other location that is subject to division (B)(1) of 4670
this section. 4671

(C) To be eligible to receive a license as a category III 4672
terminal distributor of dangerous drugs with an office-based 4673
opioid treatment classification, an applicant shall submit 4674
evidence satisfactory to the state board of pharmacy that the 4675
applicant's office-based opioid treatment will be operated in 4676
accordance with the requirements specified in division (D) of this 4677
section and that the applicant meets any other applicable 4678
requirements of this chapter. 4679

If the board determines that an applicant meets all of the 4680
requirements, the board shall issue to the applicant a license as 4681
a category III terminal distributor of dangerous drugs with an 4682
office-based opioid treatment classification. 4683

(D) The holder of a category III terminal distributor license 4684
with an office-based opioid treatment classification shall do all 4685
of the following: 4686

(1) Be in control of a facility that is owned and operated 4687
solely by one or more physicians, unless the state board of 4688
pharmacy waives this requirement for the holder; 4689

(2) Comply with the requirements for conducting office-based 4690
opioid treatment, as established by the state medical board in 4691
rules adopted under section 4731.056 of the Revised Code; 4692

(3) Require any person with ownership of the facility to 4693
submit to a criminal records check in accordance with section 4694
4776.02 of the Revised Code and send the results of the criminal 4695
records check directly to the state board of pharmacy for review 4696

and decision under section 4729.071 of the Revised Code; 4697

(4) Require each person employed by or seeking employment 4698
with the facility to submit to a criminal records check in 4699
accordance with section 4776.02 of the Revised Code; 4700

(5) Ensure that a person is not employed by the facility if 4701
the person, within the ten years immediately preceding the date 4702
the person applied for employment, was convicted of or pleaded 4703
guilty to either of the following, unless the state board of 4704
pharmacy permits the person to be employed by waiving this 4705
requirement for the facility: 4706

(a) A theft offense, described in division (K)(3) of section 4707
2913.01 of the Revised Code, that would constitute a felony under 4708
the laws of this state, any other state, or the United States; 4709

(b) A felony drug offense, as defined in section 2925.01 of 4710
the Revised Code. 4711

(6) Maintain a list of each person with ownership of the 4712
facility and notify the state board of pharmacy of any change to 4713
that list. 4714

(E) No person subject to licensure as a category III terminal 4715
distributor of dangerous drugs with an office-based opioid 4716
treatment classification shall knowingly fail to remain in 4717
compliance with the requirements of division (D) of this section 4718
and any other applicable requirements of this chapter. 4719

(F) The state board of pharmacy may impose a fine of not more 4720
than five thousand dollars on a person who violates division (B) 4721
or (E) of this section. A separate fine may be imposed for each 4722
day the violation continues. In imposing the fine, the board's 4723
actions shall be taken in accordance with Chapter 119. of the 4724
Revised Code. 4725

(G) The state board of pharmacy shall adopt rules as it 4726
considers necessary to implement and administer this section. The 4727
rules shall be adopted in accordance with Chapter 119. of the 4728
Revised Code. 4729

Sec. 4731.051. The state medical board shall adopt rules in 4730
accordance with Chapter 119. of the Revised Code establishing 4731
universal blood and body fluid precautions that shall be used by 4732
each person who performs exposure prone invasive procedures and is 4733
authorized to practice by this chapter or Chapter 4730., 4759., 4734
4760., 4761., 4762., 4772., or 4774. of the Revised Code. The 4735
rules shall define and establish requirements for universal blood 4736
and body fluid precautions that include the following: 4737

(A) Appropriate use of hand washing; 4738

(B) Disinfection and sterilization of equipment; 4739

(C) Handling and disposal of needles and other sharp 4740
instruments; 4741

(D) Wearing and disposal of gloves and other protective 4742
garments and devices. 4743

Sec. 4731.07. (A) The state medical board shall keep a record 4744
of its proceedings. The minutes of a meeting of the board shall, 4745
on approval by the board, constitute an official record of its 4746
proceedings. 4747

(B) The board shall keep a register of applicants for 4748
licenses and certificates issued under this chapter; licenses 4749
issued under Chapters 4730., 4760., 4762., 4772., 4774., and 4750
4778.; and licenses and limited permits issued under Chapters 4751
4759. and 4761. of the Revised Code. The register shall show the 4752
name of the applicant and whether the applicant was granted or 4753

refused the license, certificate, or limited permit being sought. 4754

With respect to applicants to practice medicine and surgery 4755
or osteopathic medicine and surgery, the register shall show the 4756
name of the institution that granted the applicant the degree of 4757
doctor of medicine or osteopathic medicine. With respect to 4758
applicants to practice respiratory care, the register shall show 4759
the addresses of the person's last known place of business and 4760
residence, the effective date and identification number of the 4761
license or limited permit, and, if applicable, the name and 4762
location of the institution that granted the person's degree or 4763
certificate of completion of respiratory care educational 4764
requirements and the date the degree or certificate of completion 4765
was issued. 4766

(C) The books and records of the board shall be prima-facie 4767
evidence of matters therein contained. 4768

Sec. 4731.071. The state medical board shall develop and 4769
publish on its internet web site a directory containing the names 4770
of, and contact information for, all persons who hold current, 4771
valid certificates or licenses issued by the board under this 4772
chapter or Chapter 4730., 4759., 4760., 4761., 4762., 4772., 4773
4774., or 4778. of the Revised Code. Except as provided in section 4774
4731.10 of the Revised Code, the directory shall be the sole 4775
source for verifying that a person holds a current, valid 4776
certificate or license issued by the board. 4777

Sec. 4731.22. (A) The state medical board, by an affirmative 4778
vote of not fewer than six of its members, may limit, revoke, or 4779
suspend a license or certificate to practice or certificate to 4780
recommend, refuse to grant a license or certificate, refuse to 4781
renew a license or certificate, refuse to reinstate a license or 4782

certificate, or reprimand or place on probation the holder of a 4783
license or certificate if the individual applying for or holding 4784
the license or certificate is found by the board to have committed 4785
fraud during the administration of the examination for a license 4786
or certificate to practice or to have committed fraud, 4787
misrepresentation, or deception in applying for, renewing, or 4788
securing any license or certificate to practice or certificate to 4789
recommend issued by the board. 4790

(B) Except as provided in division (P) of this section, the 4791
board, by an affirmative vote of not fewer than six members, 4792
shall, to the extent permitted by law, limit, revoke, or suspend a 4793
license or certificate to practice or certificate to recommend, 4794
refuse to issue a license or certificate, refuse to renew a 4795
license or certificate, refuse to reinstate a license or 4796
certificate, or reprimand or place on probation the holder of a 4797
license or certificate for one or more of the following reasons: 4798

(1) Permitting one's name or one's license or certificate to 4799
practice to be used by a person, group, or corporation when the 4800
individual concerned is not actually directing the treatment 4801
given; 4802

(2) Failure to maintain minimal standards applicable to the 4803
selection or administration of drugs, or failure to employ 4804
acceptable scientific methods in the selection of drugs or other 4805
modalities for treatment of disease; 4806

(3) Except as provided in section 4731.97 of the Revised 4807
Code, selling, giving away, personally furnishing, prescribing, or 4808
administering drugs for other than legal and legitimate 4809
therapeutic purposes or a plea of guilty to, a judicial finding of 4810
guilt of, or a judicial finding of eligibility for intervention in 4811
lieu of conviction of, a violation of any federal or state law 4812

regulating the possession, distribution, or use of any drug;	4813
(4) Willfully betraying a professional confidence.	4814
For purposes of this division, "willfully betraying a	4815
professional confidence" does not include providing any	4816
information, documents, or reports under sections 307.621 to	4817
307.629 of the Revised Code to a child fatality review board; does	4818
not include providing any information, documents, or reports under	4819
sections 307.631 to 307.6410 of the Revised Code to a drug	4820
overdose fatality review committee, a suicide fatality review	4821
committee, or hybrid drug overdose fatality and suicide fatality	4822
review committee; does not include providing any information,	4823
documents, or reports under sections 307.651 to 307.659 of the	4824
Revised Code to a domestic violence fatality review board; does	4825
not include providing any information, documents, or reports to	4826
the director of health pursuant to guidelines established under	4827
section 3701.70 of the Revised Code; does not include written	4828
notice to a mental health professional under section 4731.62 of	4829
the Revised Code; and does not include the making of a report of	4830
an employee's use of a drug of abuse, or a report of a condition	4831
of an employee other than one involving the use of a drug of	4832
abuse, to the employer of the employee as described in division	4833
(B) of section 2305.33 of the Revised Code. Nothing in this	4834
division affects the immunity from civil liability conferred by	4835
section 2305.33 or 4731.62 of the Revised Code upon a physician	4836
who makes a report in accordance with section 2305.33 or notifies	4837
a mental health professional in accordance with section 4731.62 of	4838
the Revised Code. As used in this division, "employee,"	4839
"employer," and "physician" have the same meanings as in section	4840
2305.33 of the Revised Code.	4841
(5) Making a false, fraudulent, deceptive, or misleading	4842

statement in the solicitation of or advertising for patients; in 4843
relation to the practice of medicine and surgery, osteopathic 4844
medicine and surgery, podiatric medicine and surgery, or a limited 4845
branch of medicine; or in securing or attempting to secure any 4846
license or certificate to practice issued by the board. 4847

As used in this division, "false, fraudulent, deceptive, or 4848
misleading statement" means a statement that includes a 4849
misrepresentation of fact, is likely to mislead or deceive because 4850
of a failure to disclose material facts, is intended or is likely 4851
to create false or unjustified expectations of favorable results, 4852
or includes representations or implications that in reasonable 4853
probability will cause an ordinarily prudent person to 4854
misunderstand or be deceived. 4855

(6) A departure from, or the failure to conform to, minimal 4856
standards of care of similar practitioners under the same or 4857
similar circumstances, whether or not actual injury to a patient 4858
is established; 4859

(7) Representing, with the purpose of obtaining compensation 4860
or other advantage as personal gain or for any other person, that 4861
an incurable disease or injury, or other incurable condition, can 4862
be permanently cured; 4863

(8) The obtaining of, or attempting to obtain, money or 4864
anything of value by fraudulent misrepresentations in the course 4865
of practice; 4866

(9) A plea of guilty to, a judicial finding of guilt of, or a 4867
judicial finding of eligibility for intervention in lieu of 4868
conviction for, a felony; 4869

(10) Commission of an act that constitutes a felony in this 4870
state, regardless of the jurisdiction in which the act was 4871

committed;	4872
(11) A plea of guilty to, a judicial finding of guilt of, or	4873
a judicial finding of eligibility for intervention in lieu of	4874
conviction for, a misdemeanor committed in the course of practice;	4875
(12) Commission of an act in the course of practice that	4876
constitutes a misdemeanor in this state, regardless of the	4877
jurisdiction in which the act was committed;	4878
(13) A plea of guilty to, a judicial finding of guilt of, or	4879
a judicial finding of eligibility for intervention in lieu of	4880
conviction for, a misdemeanor involving moral turpitude;	4881
(14) Commission of an act involving moral turpitude that	4882
constitutes a misdemeanor in this state, regardless of the	4883
jurisdiction in which the act was committed;	4884
(15) Violation of the conditions of limitation placed by the	4885
board upon a license or certificate to practice;	4886
(16) Failure to pay license renewal fees specified in this	4887
chapter;	4888
(17) Except as authorized in section 4731.31 of the Revised	4889
Code, engaging in the division of fees for referral of patients,	4890
or the receiving of a thing of value in return for a specific	4891
referral of a patient to utilize a particular service or business;	4892
(18) Subject to section 4731.226 of the Revised Code,	4893
violation of any provision of a code of ethics of the American	4894
medical association, the American osteopathic association, the	4895
American podiatric medical association, or any other national	4896
professional organizations that the board specifies by rule. The	4897
state medical board shall obtain and keep on file current copies	4898
of the codes of ethics of the various national professional	4899
organizations. The individual whose license or certificate is	4900

being suspended or revoked shall not be found to have violated any 4901
provision of a code of ethics of an organization not appropriate 4902
to the individual's profession. 4903

For purposes of this division, a "provision of a code of 4904
ethics of a national professional organization" does not include 4905
any provision that would preclude the making of a report by a 4906
physician of an employee's use of a drug of abuse, or of a 4907
condition of an employee other than one involving the use of a 4908
drug of abuse, to the employer of the employee as described in 4909
division (B) of section 2305.33 of the Revised Code. Nothing in 4910
this division affects the immunity from civil liability conferred 4911
by that section upon a physician who makes either type of report 4912
in accordance with division (B) of that section. As used in this 4913
division, "employee," "employer," and "physician" have the same 4914
meanings as in section 2305.33 of the Revised Code. 4915

(19) Inability to practice according to acceptable and 4916
prevailing standards of care by reason of mental illness or 4917
physical illness, including, but not limited to, physical 4918
deterioration that adversely affects cognitive, motor, or 4919
perceptive skills. 4920

In enforcing this division, the board, upon a showing of a 4921
possible violation, may compel any individual authorized to 4922
practice by this chapter or who has submitted an application 4923
pursuant to this chapter to submit to a mental examination, 4924
physical examination, including an HIV test, or both a mental and 4925
a physical examination. The expense of the examination is the 4926
responsibility of the individual compelled to be examined. Failure 4927
to submit to a mental or physical examination or consent to an HIV 4928
test ordered by the board constitutes an admission of the 4929
allegations against the individual unless the failure is due to 4930

circumstances beyond the individual's control, and a default and 4931
final order may be entered without the taking of testimony or 4932
presentation of evidence. If the board finds an individual unable 4933
to practice because of the reasons set forth in this division, the 4934
board shall require the individual to submit to care, counseling, 4935
or treatment by physicians approved or designated by the board, as 4936
a condition for initial, continued, reinstated, or renewed 4937
authority to practice. An individual affected under this division 4938
shall be afforded an opportunity to demonstrate to the board the 4939
ability to resume practice in compliance with acceptable and 4940
prevailing standards under the provisions of the individual's 4941
license or certificate. For the purpose of this division, any 4942
individual who applies for or receives a license or certificate to 4943
practice under this chapter accepts the privilege of practicing in 4944
this state and, by so doing, shall be deemed to have given consent 4945
to submit to a mental or physical examination when directed to do 4946
so in writing by the board, and to have waived all objections to 4947
the admissibility of testimony or examination reports that 4948
constitute a privileged communication. 4949

(20) Except as provided in division (F)(1)(b) of section 4950
4731.282 of the Revised Code or when civil penalties are imposed 4951
under section 4731.225 of the Revised Code, and subject to section 4952
4731.226 of the Revised Code, violating or attempting to violate, 4953
directly or indirectly, or assisting in or abetting the violation 4954
of, or conspiring to violate, any provisions of this chapter or 4955
any rule promulgated by the board. 4956

This division does not apply to a violation or attempted 4957
violation of, assisting in or abetting the violation of, or a 4958
conspiracy to violate, any provision of this chapter or any rule 4959
adopted by the board that would preclude the making of a report by 4960
a physician of an employee's use of a drug of abuse, or of a 4961

condition of an employee other than one involving the use of a 4962
drug of abuse, to the employer of the employee as described in 4963
division (B) of section 2305.33 of the Revised Code. Nothing in 4964
this division affects the immunity from civil liability conferred 4965
by that section upon a physician who makes either type of report 4966
in accordance with division (B) of that section. As used in this 4967
division, "employee," "employer," and "physician" have the same 4968
meanings as in section 2305.33 of the Revised Code. 4969

(21) The violation of section 3701.79 of the Revised Code or 4970
of any abortion rule adopted by the director of health pursuant to 4971
section 3701.341 of the Revised Code; 4972

(22) Any of the following actions taken by an agency 4973
responsible for authorizing, certifying, or regulating an 4974
individual to practice a health care occupation or provide health 4975
care services in this state or another jurisdiction, for any 4976
reason other than the nonpayment of fees: the limitation, 4977
revocation, or suspension of an individual's license to practice; 4978
acceptance of an individual's license surrender; denial of a 4979
license; refusal to renew or reinstate a license; imposition of 4980
probation; or issuance of an order of censure or other reprimand; 4981

(23) The violation of section 2919.12 of the Revised Code or 4982
the performance or inducement of an abortion upon a pregnant woman 4983
with actual knowledge that the conditions specified in division 4984
(B) of section 2317.56 of the Revised Code have not been satisfied 4985
or with a heedless indifference as to whether those conditions 4986
have been satisfied, unless an affirmative defense as specified in 4987
division (H)(2) of that section would apply in a civil action 4988
authorized by division (H)(1) of that section; 4989

(24) The revocation, suspension, restriction, reduction, or 4990
termination of clinical privileges by the United States department 4991

of defense or department of veterans affairs or the termination or 4992
 suspension of a certificate of registration to prescribe drugs by 4993
 the drug enforcement administration of the United States 4994
 department of justice; 4995

(25) Termination or suspension from participation in the 4996
 medicare or medicaid programs by the department of health and 4997
 human services or other responsible agency; 4998

(26) Impairment of ability to practice according to 4999
 acceptable and prevailing standards of care because of habitual or 5000
 excessive use or abuse of drugs, alcohol, or other substances that 5001
 impair ability to practice. 5002

For the purposes of this division, any individual authorized 5003
 to practice by this chapter accepts the privilege of practicing in 5004
 this state subject to supervision by the board. By filing an 5005
 application for or holding a license or certificate to practice 5006
 under this chapter, an individual shall be deemed to have given 5007
 consent to submit to a mental or physical examination when ordered 5008
 to do so by the board in writing, and to have waived all 5009
 objections to the admissibility of testimony or examination 5010
 reports that constitute privileged communications. 5011

If it has reason to believe that any individual authorized to 5012
 practice by this chapter or any applicant for licensure or 5013
 certification to practice suffers such impairment, the board may 5014
 compel the individual to submit to a mental or physical 5015
 examination, or both. The expense of the examination is the 5016
 responsibility of the individual compelled to be examined. Any 5017
 mental or physical examination required under this division shall 5018
 be undertaken by a treatment provider or physician who is 5019
 qualified to conduct the examination and who is chosen by the 5020
 board. 5021

Failure to submit to a mental or physical examination ordered 5022
by the board constitutes an admission of the allegations against 5023
the individual unless the failure is due to circumstances beyond 5024
the individual's control, and a default and final order may be 5025
entered without the taking of testimony or presentation of 5026
evidence. If the board determines that the individual's ability to 5027
practice is impaired, the board shall suspend the individual's 5028
license or certificate or deny the individual's application and 5029
shall require the individual, as a condition for initial, 5030
continued, reinstated, or renewed licensure or certification to 5031
practice, to submit to treatment. 5032

Before being eligible to apply for reinstatement of a license 5033
or certificate suspended under this division, the impaired 5034
practitioner shall demonstrate to the board the ability to resume 5035
practice in compliance with acceptable and prevailing standards of 5036
care under the provisions of the practitioner's license or 5037
certificate. The demonstration shall include, but shall not be 5038
limited to, the following: 5039

(a) Certification from a treatment provider approved under 5040
section 4731.25 of the Revised Code that the individual has 5041
successfully completed any required inpatient treatment; 5042

(b) Evidence of continuing full compliance with an aftercare 5043
contract or consent agreement; 5044

(c) Two written reports indicating that the individual's 5045
ability to practice has been assessed and that the individual has 5046
been found capable of practicing according to acceptable and 5047
prevailing standards of care. The reports shall be made by 5048
individuals or providers approved by the board for making the 5049
assessments and shall describe the basis for their determination. 5050

The board may reinstate a license or certificate suspended 5051

under this division after that demonstration and after the 5052
individual has entered into a written consent agreement. 5053

When the impaired practitioner resumes practice, the board 5054
shall require continued monitoring of the individual. The 5055
monitoring shall include, but not be limited to, compliance with 5056
the written consent agreement entered into before reinstatement or 5057
with conditions imposed by board order after a hearing, and, upon 5058
termination of the consent agreement, submission to the board for 5059
at least two years of annual written progress reports made under 5060
penalty of perjury stating whether the individual has maintained 5061
sobriety. 5062

(27) A second or subsequent violation of section 4731.66 or 5063
4731.69 of the Revised Code; 5064

(28) Except as provided in division (N) of this section: 5065

(a) Waiving the payment of all or any part of a deductible or 5066
copayment that a patient, pursuant to a health insurance or health 5067
care policy, contract, or plan that covers the individual's 5068
services, otherwise would be required to pay if the waiver is used 5069
as an enticement to a patient or group of patients to receive 5070
health care services from that individual; 5071

(b) Advertising that the individual will waive the payment of 5072
all or any part of a deductible or copayment that a patient, 5073
pursuant to a health insurance or health care policy, contract, or 5074
plan that covers the individual's services, otherwise would be 5075
required to pay. 5076

(29) Failure to use universal blood and body fluid 5077
precautions established by rules adopted under section 4731.051 of 5078
the Revised Code; 5079

(30) Failure to provide notice to, and receive acknowledgment 5080

of the notice from, a patient when required by section 4731.143 of 5081
the Revised Code prior to providing nonemergency professional 5082
services, or failure to maintain that notice in the patient's 5083
medical record; 5084

(31) Failure of a physician supervising a physician assistant 5085
to maintain supervision in accordance with the requirements of 5086
Chapter 4730. of the Revised Code and the rules adopted under that 5087
chapter; 5088

(32) Failure of a physician or podiatrist to enter into a 5089
standard care arrangement with a clinical nurse specialist, 5090
certified nurse-midwife, or certified nurse practitioner with whom 5091
the physician or podiatrist is in collaboration pursuant to 5092
section 4731.27 of the Revised Code or failure to fulfill the 5093
responsibilities of collaboration after entering into a standard 5094
care arrangement; 5095

(33) Failure to comply with the terms of a consult agreement 5096
entered into with a pharmacist pursuant to section 4729.39 of the 5097
Revised Code; 5098

(34) Failure to cooperate in an investigation conducted by 5099
the board under division (F) of this section, including failure to 5100
comply with a subpoena or order issued by the board or failure to 5101
answer truthfully a question presented by the board in an 5102
investigative interview, an investigative office conference, at a 5103
deposition, or in written interrogatories, except that failure to 5104
cooperate with an investigation shall not constitute grounds for 5105
discipline under this section if a court of competent jurisdiction 5106
has issued an order that either quashes a subpoena or permits the 5107
individual to withhold the testimony or evidence in issue; 5108

(35) Failure to supervise an acupuncturist in accordance with 5109
Chapter 4762. of the Revised Code and the board's rules for 5110

providing that supervision;	5111
(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;	5112 5113 5114
(37) Assisting suicide, as defined in section 3795.01 of the Revised Code;	5115 5116
(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;	5117 5118
(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	5119 5120 5121
(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	5122 5123 5124
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	5125 5126 5127 5128
(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	5129 5130 5131 5132
(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	5133 5134 5135 5136
(44) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to	5137 5138

submit to the department of health in accordance with a court	5139
order a complete report as described in section 2919.171 or	5140
2919.202 of the Revised Code;	5141
(45) Practicing at a facility that is subject to licensure as	5142
a category III terminal distributor of dangerous drugs with a pain	5143
management clinic classification unless the person operating the	5144
facility has obtained and maintains the license with the	5145
classification;	5146
(46) Owning a facility that is subject to licensure as a	5147
category III terminal distributor of dangerous drugs with a pain	5148
management clinic classification unless the facility is licensed	5149
with the classification;	5150
(47) Failure to comply with any of the requirements regarding	5151
making or maintaining medical records or documents described in	5152
division (A) of section 2919.192, division (C) of section	5153
2919.193, division (B) of section 2919.195, or division (A) of	5154
section 2919.196 of the Revised Code;	5155
(48) Failure to comply with the requirements in section	5156
3719.061 of the Revised Code before issuing for a minor a	5157
prescription for an opioid analgesic, as defined in section	5158
3719.01 of the Revised Code;	5159
(49) Failure to comply with the requirements of section	5160
4731.30 of the Revised Code or rules adopted under section	5161
4731.301 of the Revised Code when recommending treatment with	5162
medical marijuana;	5163
(50) Practicing at a facility, clinic, or other location that	5164
is subject to licensure as a category III terminal distributor of	5165
dangerous drugs with an office-based opioid treatment	5166
classification unless the person operating that place has obtained	5167

and maintains the license with the classification; 5168

(51) Owning a facility, clinic, or other location that is 5169
subject to licensure as a category III terminal distributor of 5170
dangerous drugs with an office-based opioid treatment 5171
classification unless that place is licensed with the 5172
classification; 5173

(52) A pattern of continuous or repeated violations of 5174
division (E)(2) or (3) of section 3963.02 of the Revised Code; 5175

(53) Failure to fulfill the responsibilities of a 5176
collaboration agreement entered into with an athletic trainer as 5177
described in section 4755.621 of the Revised Code; 5178

(54) Failure to take the steps specified in section 4731.911 5179
of the Revised Code following an abortion or attempted abortion in 5180
an ambulatory surgical facility or other location that is not a 5181
hospital when a child is born alive; 5182

(55) Failure of a physician supervising a certified mental 5183
health assistant to maintain supervision in accordance with the 5184
requirements of Chapter 4772. of the Revised Code and the rules 5185
adopted under that chapter. 5186

(C) Disciplinary actions taken by the board under divisions 5187
(A) and (B) of this section shall be taken pursuant to an 5188
adjudication under Chapter 119. of the Revised Code, except that 5189
in lieu of an adjudication, the board may enter into a consent 5190
agreement with an individual to resolve an allegation of a 5191
violation of this chapter or any rule adopted under it. A consent 5192
agreement, when ratified by an affirmative vote of not fewer than 5193
six members of the board, shall constitute the findings and order 5194
of the board with respect to the matter addressed in the 5195
agreement. If the board refuses to ratify a consent agreement, the 5196

admissions and findings contained in the consent agreement shall 5197
be of no force or effect. 5198

A telephone conference call may be utilized for ratification 5199
of a consent agreement that revokes or suspends an individual's 5200
license or certificate to practice or certificate to recommend. 5201
The telephone conference call shall be considered a special 5202
meeting under division (F) of section 121.22 of the Revised Code. 5203

If the board takes disciplinary action against an individual 5204
under division (B) of this section for a second or subsequent plea 5205
of guilty to, or judicial finding of guilt of, a violation of 5206
section 2919.123 or 2919.124 of the Revised Code, the disciplinary 5207
action shall consist of a suspension of the individual's license 5208
or certificate to practice for a period of at least one year or, 5209
if determined appropriate by the board, a more serious sanction 5210
involving the individual's license or certificate to practice. Any 5211
consent agreement entered into under this division with an 5212
individual that pertains to a second or subsequent plea of guilty 5213
to, or judicial finding of guilt of, a violation of that section 5214
shall provide for a suspension of the individual's license or 5215
certificate to practice for a period of at least one year or, if 5216
determined appropriate by the board, a more serious sanction 5217
involving the individual's license or certificate to practice. 5218

(D) For purposes of divisions (B)(10), (12), and (14) of this 5219
section, the commission of the act may be established by a finding 5220
by the board, pursuant to an adjudication under Chapter 119. of 5221
the Revised Code, that the individual committed the act. The board 5222
does not have jurisdiction under those divisions if the trial 5223
court renders a final judgment in the individual's favor and that 5224
judgment is based upon an adjudication on the merits. The board 5225
has jurisdiction under those divisions if the trial court issues 5226

an order of dismissal upon technical or procedural grounds. 5227

(E) The sealing or expungement of conviction records by any 5228
court shall have no effect upon a prior board order entered under 5229
this section or upon the board's jurisdiction to take action under 5230
this section if, based upon a plea of guilty, a judicial finding 5231
of guilt, or a judicial finding of eligibility for intervention in 5232
lieu of conviction, the board issued a notice of opportunity for a 5233
hearing prior to the court's order to seal or expunge the records. 5234
The board shall not be required to seal, expunge, destroy, redact, 5235
or otherwise modify its records to reflect the court's sealing of 5236
conviction records. 5237

(F)(1) The board shall investigate evidence that appears to 5238
show that a person has violated any provision of this chapter or 5239
any rule adopted under it. Any person may report to the board in a 5240
signed writing any information that the person may have that 5241
appears to show a violation of any provision of this chapter or 5242
any rule adopted under it. In the absence of bad faith, any person 5243
who reports information of that nature or who testifies before the 5244
board in any adjudication conducted under Chapter 119. of the 5245
Revised Code shall not be liable in damages in a civil action as a 5246
result of the report or testimony. Each complaint or allegation of 5247
a violation received by the board shall be assigned a case number 5248
and shall be recorded by the board. 5249

(2) Investigations of alleged violations of this chapter or 5250
any rule adopted under it shall be supervised by the supervising 5251
member elected by the board in accordance with section 4731.02 of 5252
the Revised Code and by the secretary as provided in section 5253
4731.39 of the Revised Code. The president may designate another 5254
member of the board to supervise the investigation in place of the 5255
supervising member. No member of the board who supervises the 5256

investigation of a case shall participate in further adjudication 5257
of the case. 5258

(3) In investigating a possible violation of this chapter or 5259
any rule adopted under this chapter, or in conducting an 5260
inspection under division (E) of section 4731.054 of the Revised 5261
Code, the board may question witnesses, conduct interviews, 5262
administer oaths, order the taking of depositions, inspect and 5263
copy any books, accounts, papers, records, or documents, issue 5264
subpoenas, and compel the attendance of witnesses and production 5265
of books, accounts, papers, records, documents, and testimony, 5266
except that a subpoena for patient record information shall not be 5267
issued without consultation with the attorney general's office and 5268
approval of the secretary and supervising member of the board. 5269

(a) Before issuance of a subpoena for patient record 5270
information, the secretary and supervising member shall determine 5271
whether there is probable cause to believe that the complaint 5272
filed alleges a violation of this chapter or any rule adopted 5273
under it and that the records sought are relevant to the alleged 5274
violation and material to the investigation. The subpoena may 5275
apply only to records that cover a reasonable period of time 5276
surrounding the alleged violation. 5277

(b) On failure to comply with any subpoena issued by the 5278
board and after reasonable notice to the person being subpoenaed, 5279
the board may move for an order compelling the production of 5280
persons or records pursuant to the Rules of Civil Procedure. 5281

(c) A subpoena issued by the board may be served by a 5282
sheriff, the sheriff's deputy, or a board employee or agent 5283
designated by the board. Service of a subpoena issued by the board 5284
may be made by delivering a copy of the subpoena to the person 5285
named therein, reading it to the person, or leaving it at the 5286

person's usual place of residence, usual place of business, or
address on file with the board. When serving a subpoena to an
applicant for or the holder of a license or certificate issued
under this chapter, service of the subpoena may be made by
certified mail, return receipt requested, and the subpoena shall
be deemed served on the date delivery is made or the date the
person refuses to accept delivery. If the person being served
refuses to accept the subpoena or is not located, service may be
made to an attorney who notifies the board that the attorney is
representing the person.

(d) A sheriff's deputy who serves a subpoena shall receive
the same fees as a sheriff. Each witness who appears before the
board in obedience to a subpoena shall receive the fees and
mileage provided for under section 119.094 of the Revised Code.

(4) All hearings, investigations, and inspections of the
board shall be considered civil actions for the purposes of
section 2305.252 of the Revised Code.

(5) A report required to be submitted to the board under this
chapter, a complaint, or information received by the board
pursuant to an investigation or pursuant to an inspection under
division (E) of section 4731.054 of the Revised Code is
confidential and not subject to discovery in any civil action.

The board shall conduct all investigations or inspections and
proceedings in a manner that protects the confidentiality of
patients and persons who file complaints with the board. The board
shall not make public the names or any other identifying
information about patients or complainants unless proper consent
is given or, in the case of a patient, a waiver of the patient
privilege exists under division (B) of section 2317.02 of the
Revised Code, except that consent or a waiver of that nature is

not required if the board possesses reliable and substantial 5317
evidence that no bona fide physician-patient relationship exists. 5318

The board may share any information it receives pursuant to 5319
an investigation or inspection, including patient records and 5320
patient record information, with law enforcement agencies, other 5321
licensing boards, and other governmental agencies that are 5322
prosecuting, adjudicating, or investigating alleged violations of 5323
statutes or administrative rules. An agency or board that receives 5324
the information shall comply with the same requirements regarding 5325
confidentiality as those with which the state medical board must 5326
comply, notwithstanding any conflicting provision of the Revised 5327
Code or procedure of the agency or board that applies when it is 5328
dealing with other information in its possession. In a judicial 5329
proceeding, the information may be admitted into evidence only in 5330
accordance with the Rules of Evidence, but the court shall require 5331
that appropriate measures are taken to ensure that confidentiality 5332
is maintained with respect to any part of the information that 5333
contains names or other identifying information about patients or 5334
complainants whose confidentiality was protected by the state 5335
medical board when the information was in the board's possession. 5336
Measures to ensure confidentiality that may be taken by the court 5337
include sealing its records or deleting specific information from 5338
its records. 5339

(6) On a quarterly basis, the board shall prepare a report 5340
that documents the disposition of all cases during the preceding 5341
three months. The report shall contain the following information 5342
for each case with which the board has completed its activities: 5343

(a) The case number assigned to the complaint or alleged 5344
violation; 5345

(b) The type of license or certificate to practice, if any, 5346

held by the individual against whom the complaint is directed; 5347

(c) A description of the allegations contained in the 5348
complaint; 5349

(d) The disposition of the case. 5350

The report shall state how many cases are still pending and 5351
shall be prepared in a manner that protects the identity of each 5352
person involved in each case. The report shall be a public record 5353
under section 149.43 of the Revised Code. 5354

(G) If the secretary and supervising member determine both of 5355
the following, they may recommend that the board suspend an 5356
individual's license or certificate to practice or certificate to 5357
recommend without a prior hearing: 5358

(1) That there is clear and convincing evidence that an 5359
individual has violated division (B) of this section; 5360

(2) That the individual's continued practice presents a 5361
danger of immediate and serious harm to the public. 5362

Written allegations shall be prepared for consideration by 5363
the board. The board, upon review of those allegations and by an 5364
affirmative vote of not fewer than six of its members, excluding 5365
the secretary and supervising member, may suspend a license or 5366
certificate without a prior hearing. A telephone conference call 5367
may be utilized for reviewing the allegations and taking the vote 5368
on the summary suspension. 5369

The board shall issue a written order of suspension by 5370
certified mail or in person in accordance with section 119.07 of 5371
the Revised Code. The order shall not be subject to suspension by 5372
the court during pendency of any appeal filed under section 119.12 5373
of the Revised Code. If the individual subject to the summary 5374
suspension requests an adjudicatory hearing by the board, the date 5375

set for the hearing shall be within fifteen days, but not earlier 5376
 than seven days, after the individual requests the hearing, unless 5377
 otherwise agreed to by both the board and the individual. 5378

Any summary suspension imposed under this division shall 5379
 remain in effect, unless reversed on appeal, until a final 5380
 adjudicative order issued by the board pursuant to this section 5381
 and Chapter 119. of the Revised Code becomes effective. The board 5382
 shall issue its final adjudicative order within seventy-five days 5383
 after completion of its hearing. A failure to issue the order 5384
 within seventy-five days shall result in dissolution of the 5385
 summary suspension order but shall not invalidate any subsequent, 5386
 final adjudicative order. 5387

(H) If the board takes action under division (B)(9), (11), or 5388
 (13) of this section and the judicial finding of guilt, guilty 5389
 plea, or judicial finding of eligibility for intervention in lieu 5390
 of conviction is overturned on appeal, upon exhaustion of the 5391
 criminal appeal, a petition for reconsideration of the order may 5392
 be filed with the board along with appropriate court documents. 5393
 Upon receipt of a petition of that nature and supporting court 5394
 documents, the board shall reinstate the individual's license or 5395
 certificate to practice. The board may then hold an adjudication 5396
 under Chapter 119. of the Revised Code to determine whether the 5397
 individual committed the act in question. Notice of an opportunity 5398
 for a hearing shall be given in accordance with Chapter 119. of 5399
 the Revised Code. If the board finds, pursuant to an adjudication 5400
 held under this division, that the individual committed the act or 5401
 if no hearing is requested, the board may order any of the 5402
 sanctions identified under division (B) of this section. 5403

(I) The license or certificate to practice issued to an 5404
 individual under this chapter and the individual's practice in 5405

this state are automatically suspended as of the date of the 5406
 individual's second or subsequent plea of guilty to, or judicial 5407
 finding of guilt of, a violation of section 2919.123 or 2919.124 5408
 of the Revised Code. In addition, the license or certificate to 5409
 practice or certificate to recommend issued to an individual under 5410
 this chapter and the individual's practice in this state are 5411
 automatically suspended as of the date the individual pleads 5412
 guilty to, is found by a judge or jury to be guilty of, or is 5413
 subject to a judicial finding of eligibility for intervention in 5414
 lieu of conviction in this state or treatment or intervention in 5415
 lieu of conviction in another jurisdiction for any of the 5416
 following criminal offenses in this state or a substantially 5417
 equivalent criminal offense in another jurisdiction: aggravated 5418
 murder, murder, voluntary manslaughter, felonious assault, 5419
 kidnapping, rape, sexual battery, gross sexual imposition, 5420
 aggravated arson, aggravated robbery, or aggravated burglary. 5421
 Continued practice after suspension shall be considered practicing 5422
 without a license or certificate. 5423

The board shall notify the individual subject to the 5424
 suspension by certified mail or in person in accordance with 5425
 section 119.07 of the Revised Code. If an individual whose license 5426
 or certificate is automatically suspended under this division 5427
 fails to make a timely request for an adjudication under Chapter 5428
 119. of the Revised Code, the board shall do whichever of the 5429
 following is applicable: 5430

(1) If the automatic suspension under this division is for a 5431
 second or subsequent plea of guilty to, or judicial finding of 5432
 guilt of, a violation of section 2919.123 or 2919.124 of the 5433
 Revised Code, the board shall enter an order suspending the 5434
 individual's license or certificate to practice for a period of at 5435
 least one year or, if determined appropriate by the board, 5436

imposing a more serious sanction involving the individual's 5437
license or certificate to practice. 5438

(2) In all circumstances in which division (I)(1) of this 5439
section does not apply, enter a final order permanently revoking 5440
the individual's license or certificate to practice. 5441

(J) If the board is required by Chapter 119. of the Revised 5442
Code to give notice of an opportunity for a hearing and if the 5443
individual subject to the notice does not timely request a hearing 5444
in accordance with section 119.07 of the Revised Code, the board 5445
is not required to hold a hearing, but may adopt, by an 5446
affirmative vote of not fewer than six of its members, a final 5447
order that contains the board's findings. In that final order, the 5448
board may order any of the sanctions identified under division (A) 5449
or (B) of this section. 5450

(K) Any action taken by the board under division (B) of this 5451
section resulting in a suspension from practice shall be 5452
accompanied by a written statement of the conditions under which 5453
the individual's license or certificate to practice may be 5454
reinstated. The board shall adopt rules governing conditions to be 5455
imposed for reinstatement. Reinstatement of a license or 5456
certificate suspended pursuant to division (B) of this section 5457
requires an affirmative vote of not fewer than six members of the 5458
board. 5459

(L) When the board refuses to grant or issue a license or 5460
certificate to practice to an applicant, revokes an individual's 5461
license or certificate to practice, refuses to renew an 5462
individual's license or certificate to practice, or refuses to 5463
reinstate an individual's license or certificate to practice, the 5464
board may specify that its action is permanent. An individual 5465
subject to a permanent action taken by the board is forever 5466

thereafter ineligible to hold a license or certificate to practice 5467
and the board shall not accept an application for reinstatement of 5468
the license or certificate or for issuance of a new license or 5469
certificate. 5470

(M) Notwithstanding any other provision of the Revised Code, 5471
all of the following apply: 5472

(1) The surrender of a license or certificate issued under 5473
this chapter shall not be effective unless or until accepted by 5474
the board. A telephone conference call may be utilized for 5475
acceptance of the surrender of an individual's license or 5476
certificate to practice. The telephone conference call shall be 5477
considered a special meeting under division (F) of section 121.22 5478
of the Revised Code. Reinstatement of a license or certificate 5479
surrendered to the board requires an affirmative vote of not fewer 5480
than six members of the board. 5481

(2) An application for a license or certificate made under 5482
the provisions of this chapter may not be withdrawn without 5483
approval of the board. 5484

(3) Failure by an individual to renew a license or 5485
certificate to practice in accordance with this chapter or a 5486
certificate to recommend in accordance with rules adopted under 5487
section 4731.301 of the Revised Code shall not remove or limit the 5488
board's jurisdiction to take any disciplinary action under this 5489
section against the individual. 5490

(4) At the request of the board, a license or certificate 5491
holder shall immediately surrender to the board a license or 5492
certificate that the board has suspended, revoked, or permanently 5493
revoked. 5494

(N) Sanctions shall not be imposed under division (B)(28) of 5495

this section against any person who waives deductibles and 5496
copayments as follows: 5497

(1) In compliance with the health benefit plan that expressly 5498
allows such a practice. Waiver of the deductibles or copayments 5499
shall be made only with the full knowledge and consent of the plan 5500
purchaser, payer, and third-party administrator. Documentation of 5501
the consent shall be made available to the board upon request. 5502

(2) For professional services rendered to any other person 5503
authorized to practice pursuant to this chapter, to the extent 5504
allowed by this chapter and rules adopted by the board. 5505

(0) Under the board's investigative duties described in this 5506
section and subject to division (F) of this section, the board 5507
shall develop and implement a quality intervention program 5508
designed to improve through remedial education the clinical and 5509
communication skills of individuals authorized under this chapter 5510
to practice medicine and surgery, osteopathic medicine and 5511
surgery, and podiatric medicine and surgery. In developing and 5512
implementing the quality intervention program, the board may do 5513
all of the following: 5514

(1) Offer in appropriate cases as determined by the board an 5515
educational and assessment program pursuant to an investigation 5516
the board conducts under this section; 5517

(2) Select providers of educational and assessment services, 5518
including a quality intervention program panel of case reviewers; 5519

(3) Make referrals to educational and assessment service 5520
providers and approve individual educational programs recommended 5521
by those providers. The board shall monitor the progress of each 5522
individual undertaking a recommended individual educational 5523
program. 5524

(4) Determine what constitutes successful completion of an individual educational program and require further monitoring of the individual who completed the program or other action that the board determines to be appropriate;

(5) Adopt rules in accordance with Chapter 119. of the Revised Code to further implement the quality intervention program.

An individual who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program.

(P) The board shall not refuse to issue a license to an applicant because of a conviction, plea of guilty, judicial finding of guilt, judicial finding of eligibility for intervention in lieu of conviction, or the commission of an act that constitutes a criminal offense, unless the refusal is in accordance with section 9.79 of the Revised Code.

Sec. 4731.224. (A) Within sixty days after the imposition of any formal disciplinary action taken by any health care facility, including a hospital, health care facility operated by a health insuring corporation, ambulatory surgical center, or similar facility, against any individual holding a valid license or certificate to practice issued pursuant to this chapter, the chief administrator or executive officer of the facility shall report to the state medical board the name of the individual, the action taken by the facility, and a summary of the underlying facts leading to the action taken. Upon request, the board shall be provided certified copies of the patient records that were the basis for the facility's action. Prior to release to the board, the summary shall be approved by the peer review committee that

reviewed the case or by the governing board of the facility. As 5554
used in this division, "formal disciplinary action" means any 5555
action resulting in the revocation, restriction, reduction, or 5556
termination of clinical privileges for violations of professional 5557
ethics, or for reasons of medical incompetence or medical 5558
malpractice. "Formal disciplinary action" includes a summary 5559
action, an action that takes effect notwithstanding any appeal 5560
rights that may exist, and an action that results in an individual 5561
surrendering clinical privileges while under investigation and 5562
during proceedings regarding the action being taken or in return 5563
for not being investigated or having proceedings held. "Formal 5564
disciplinary action" does not include any action taken for the 5565
sole reason of failure to maintain records on a timely basis or 5566
failure to attend staff or section meetings. 5567

The filing or nonfiling of a report with the board, 5568
investigation by the board, or any disciplinary action taken by 5569
the board, shall not preclude any action by a health care facility 5570
to suspend, restrict, or revoke the individual's clinical 5571
privileges. 5572

In the absence of fraud or bad faith, no individual or entity 5573
that provides patient records to the board shall be liable in 5574
damages to any person as a result of providing the records. 5575

(B)(1) Except as provided in division (B)(2) of this section, 5576
if any individual authorized to practice under this chapter or any 5577
professional association or society of such individuals believes 5578
that a violation of any provision of this chapter, Chapter 4730., 5579
4759., 4760., 4761., 4762., 4772., 4774., or 4778. of the Revised 5580
Code, or any rule of the board has occurred, the individual, 5581
association, or society shall report to the board the information 5582
upon which the belief is based. 5583

(2) If any individual authorized to practice under this 5584
chapter or any professional association or society of such 5585
individuals believes that a violation of division (B)(26) of 5586
section 4731.22 of the Revised Code has occurred, the individual, 5587
association, or society shall report the information upon which 5588
the belief is based to the monitoring organization conducting the 5589
program established by the board under section 4731.251 of the 5590
Revised Code. If any such report is made to the board, it shall be 5591
referred to the monitoring organization unless the board is aware 5592
that the individual who is the subject of the report does not meet 5593
the program eligibility requirements of section 4731.252 of the 5594
Revised Code. 5595

(C) Any professional association or society composed 5596
primarily of doctors of medicine and surgery, doctors of 5597
osteopathic medicine and surgery, doctors of podiatric medicine 5598
and surgery, or practitioners of limited branches of medicine that 5599
suspends or revokes an individual's membership for violations of 5600
professional ethics, or for reasons of professional incompetence 5601
or professional malpractice, within sixty days after a final 5602
decision shall report to the board, on forms prescribed and 5603
provided by the board, the name of the individual, the action 5604
taken by the professional organization, and a summary of the 5605
underlying facts leading to the action taken. 5606

The filing of a report with the board or decision not to file 5607
a report, investigation by the board, or any disciplinary action 5608
taken by the board, does not preclude a professional organization 5609
from taking disciplinary action against an individual. 5610

(D) Any insurer providing professional liability insurance to 5611
an individual authorized to practice under this chapter, or any 5612
other entity that seeks to indemnify the professional liability of 5613

such an individual, shall notify the board within thirty days 5614
after the final disposition of any written claim for damages where 5615
such disposition results in a payment exceeding twenty-five 5616
thousand dollars. The notice shall contain the following 5617
information: 5618

(1) The name and address of the person submitting the 5619
notification; 5620

(2) The name and address of the insured who is the subject of 5621
the claim; 5622

(3) The name of the person filing the written claim; 5623

(4) The date of final disposition; 5624

(5) If applicable, the identity of the court in which the 5625
final disposition of the claim took place. 5626

(E) The board may investigate possible violations of this 5627
chapter or the rules adopted under it that are brought to its 5628
attention as a result of the reporting requirements of this 5629
section, except that the board shall conduct an investigation if a 5630
possible violation involves repeated malpractice. As used in this 5631
division, "repeated malpractice" means three or more claims for 5632
medical malpractice within the previous five-year period, each 5633
resulting in a judgment or settlement in excess of twenty-five 5634
thousand dollars in favor of the claimant, and each involving 5635
negligent conduct by the practicing individual. 5636

(F) All summaries, reports, and records received and 5637
maintained by the board pursuant to this section shall be held in 5638
confidence and shall not be subject to discovery or introduction 5639
in evidence in any federal or state civil action involving a 5640
health care professional or facility arising out of matters that 5641
are the subject of the reporting required by this section. The 5642

board may use the information obtained only as the basis for an 5643
investigation, as evidence in a disciplinary hearing against an 5644
individual whose practice is regulated under this chapter, or in 5645
any subsequent trial or appeal of a board action or order. 5646

The board may disclose the summaries and reports it receives 5647
under this section only to health care facility committees within 5648
or outside this state that are involved in credentialing or 5649
recredentialing the individual or in reviewing the individual's 5650
clinical privileges. The board shall indicate whether or not the 5651
information has been verified. Information transmitted by the 5652
board shall be subject to the same confidentiality provisions as 5653
when maintained by the board. 5654

(G) Except for reports filed by an individual pursuant to 5655
division (B) of this section, the board shall send a copy of any 5656
reports or summaries it receives pursuant to this section to the 5657
individual who is the subject of the reports or summaries. The 5658
individual shall have the right to file a statement with the board 5659
concerning the correctness or relevance of the information. The 5660
statement shall at all times accompany that part of the record in 5661
contention. 5662

(H) An individual or entity that, pursuant to this section, 5663
reports to the board, reports to the monitoring organization 5664
described in section 4731.251 of the Revised Code, or refers an 5665
impaired practitioner to a treatment provider approved by the 5666
board under section 4731.25 of the Revised Code shall not be 5667
subject to suit for civil damages as a result of the report, 5668
referral, or provision of the information. 5669

(I) In the absence of fraud or bad faith, no professional 5670
association or society of individuals authorized to practice under 5671
this chapter that sponsors a committee or program to provide peer 5672

assistance to practitioners with substance abuse problems, no 5673
 representative or agent of such a committee or program, no 5674
 representative or agent of the monitoring organization described 5675
 in section 4731.251 of the Revised Code, and no member of the 5676
 state medical board shall be held liable in damages to any person 5677
 by reason of actions taken to refer a practitioner to a treatment 5678
 provider approved under section 4731.25 of the Revised Code for 5679
 examination or treatment. 5680

Sec. 4731.24. Except as provided in sections 4731.281 and 5681
 4731.40 of the Revised Code, all receipts of the state medical 5682
 board, from any source, shall be deposited in the state treasury. 5683
 The funds shall be deposited to the credit of the state medical 5684
 board operating fund, which is hereby created. Except as provided 5685
 in sections 4730.252, 4731.225, 4731.24, 4759.071, 4760.133, 5686
 4761.091, 4762.133, 4772.203, 4774.133, and 4778.141 of the 5687
 Revised Code, all funds deposited into the state treasury under 5688
 this section shall be used solely for the administration and 5689
 enforcement of this chapter and Chapters 4730., 4759., 4760., 5690
 4761., 4762., 4772., 4774., and 4778. of the Revised Code by the 5691
 board. 5692

Sec. 4731.25. The state medical board, in accordance with 5693
 Chapter 119. of the Revised Code, shall adopt and may amend and 5694
 rescind rules establishing standards for approval of physicians 5695
 and facilities as treatment providers for practitioners suffering 5696
 or showing evidence of suffering impairment as described in 5697
 division (B)(5) of section 4730.25, division (B)(26) of section 5698
 4731.22, division (A)(18) of section 4759.07, division (B)(6) of 5699
 section 4760.13, division (A)(18) of section 4761.09, division 5700
 (B)(6) of section 4762.13, division (B)(6) of section 4772.20, 5701

division (B)(6) of section 4774.13, or division (B)(6) of section 5702
4778.14 of the Revised Code. The rules shall include standards for 5703
both inpatient and outpatient treatment and for care and 5704
monitoring that continues after treatment. The rules shall provide 5705
that in order to be approved, a treatment provider must have the 5706
capability of making an initial examination to determine what type 5707
of treatment an impaired practitioner requires. Subject to the 5708
rules, the board shall review and approve treatment providers on a 5709
regular basis. The board, at its discretion, may withdraw or deny 5710
approval subject to the rules. 5711

An approved impaired practitioner treatment provider shall do 5712
all of the following: 5713

(A) Report to the board the name of any practitioner 5714
suffering or showing evidence of suffering impairment who fails to 5715
comply within one week with a referral for examination; 5716

(B) Report to the board the name of any impaired practitioner 5717
who fails to enter treatment within forty-eight hours following 5718
the provider's determination that the practitioner needs 5719
treatment; 5720

(C) Require every practitioner who enters treatment to agree 5721
to a treatment contract establishing the terms of treatment and 5722
aftercare, including any required supervision or restrictions of 5723
practice during treatment or aftercare; 5724

(D) Require a practitioner to suspend practice upon entry 5725
into any required inpatient treatment; 5726

(E) Report to the board any failure by an impaired 5727
practitioner to comply with the terms of the treatment contract 5728
during inpatient or outpatient treatment or aftercare; 5729

(F) Report to the board the resumption of practice of any 5730

impaired practitioner before the treatment provider has made a 5731
clear determination that the practitioner is capable of practicing 5732
according to acceptable and prevailing standards of care; 5733

(G) Require a practitioner who resumes practice after 5734
completion of treatment to comply with an aftercare contract that 5735
meets the requirements of rules adopted by the board for approval 5736
of treatment providers; 5737

(H) Report the identity of any practitioner practicing under 5738
the terms of an aftercare contract to hospital administrators, 5739
medical chiefs of staff, and chairpersons of impaired practitioner 5740
committees of all health care institutions at which the 5741
practitioner holds clinical privileges or otherwise practices. If 5742
the practitioner does not hold clinical privileges at any health 5743
care institution, the treatment provider shall report the 5744
practitioner's identity to the impaired practitioner committee of 5745
the county medical society, osteopathic academy, or podiatric 5746
medical association in every county in which the practitioner 5747
practices. If there are no impaired practitioner committees in the 5748
county, the treatment provider shall report the practitioner's 5749
identity to the president or other designated member of the county 5750
medical society, osteopathic academy, or podiatric medical 5751
association. 5752

(I) Report to the board the identity of any practitioner who 5753
suffers a relapse at any time during or following aftercare. 5754

Any individual authorized to practice under this chapter who 5755
enters into treatment by an approved treatment provider shall be 5756
deemed to have waived any confidentiality requirements that would 5757
otherwise prevent the treatment provider from making reports 5758
required under this section. 5759

In the absence of fraud or bad faith, no person or 5760

organization that conducts an approved impaired practitioner 5761
 treatment program, no member of such an organization, and no 5762
 employee, representative, or agent of the treatment provider shall 5763
 be held liable in damages to any person by reason of actions taken 5764
 or recommendations made by the treatment provider or its 5765
 employees, representatives, or agents. 5766

Sec. 4731.251. (A) As used in this section and in sections 5767
 4731.252 to 4731.254 of the Revised Code: 5768

(1) "Applicant" means an individual who has applied under 5769
 Chapter 4730., 4731., 4759., 4760., 4761., 4762., 4772., 4774., or 5770
 4778. of the Revised Code for a license, training or other 5771
 certificate, limited permit, or other authority to practice as any 5772
 one of the following practitioners: a physician assistant, 5773
 physician, podiatrist, limited branch of medicine practitioner, 5774
 dietitian, anesthesiologist assistant, respiratory care 5775
 professional, acupuncturist, certified mental health assistant, 5776
 radiologist assistant, or genetic counselor. "Applicant" may 5777
 include an individual who has been granted authority by the state 5778
 medical board to practice as one type of practitioner, but has 5779
 applied for authority to practice as another type of practitioner. 5780

(2) "Impaired" or "impairment" has the same meaning as in 5781
 division (B)(5) of section 4730.25, division (B)(26) of section 5782
 4731.22, division (A)(18) of section 4759.07, division (B)(6) of 5783
 section 4760.13, division (A)(18) of section 4761.09, division 5784
 (B)(6) of section 4762.13, division (B)(6) of section 4772.20, 5785
 division (B)(6) of section 4774.13, or division (B)(6) of section 5786
 4778.14 of the Revised Code. 5787

(3) "Practitioner" means any of the following: 5788

(a) An individual authorized under this chapter to practice 5789

medicine and surgery, osteopathic medicine and surgery, podiatric	5790
medicine and surgery, or a limited branch of medicine;	5791
(b) An individual licensed under Chapter 4730. of the Revised	5792
Code to practice as a physician assistant;	5793
(c) An individual authorized under Chapter 4759. of the	5794
Revised Code to practice as a dietitian;	5795
(d) An individual authorized under Chapter 4760. of the	5796
Revised Code to practice as an anesthesiologist assistant;	5797
(e) An individual authorized under Chapter 4761. of the	5798
Revised Code to practice respiratory care;	5799
(f) An individual authorized under Chapter 4762. of the	5800
Revised Code to practice as an acupuncturist;	5801
(g) <u>An individual licensed under Chapter 4772. of the Revised</u>	5802
<u>Code to practice as a certified mental health assistant;</u>	5803
<h>h</h> An individual authorized under Chapter 4774. of the	5804
Revised Code to practice as a radiologist assistant;	5805
h <u>(i)</u> An individual licensed under Chapter 4778. of the	5806
Revised Code to practice as a genetic counselor.	5807
(B) The state medical board shall establish a confidential	5808
program for the treatment of impaired practitioners and	5809
applicants, which shall be known as the one-bite program. The	5810
board shall contract with one organization to conduct the program	5811
and perform monitoring services.	5812
To be qualified to contract with the board under this	5813
section, an organization must meet all of the following	5814
requirements:	5815
(1) Be sponsored by one or more professional associations or	5816
societies of practitioners;	5817

(2) Be organized as a not-for-profit entity and exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code;

(3) Contract with or employ to serve as the organization's medical director an individual who is authorized under this chapter to practice medicine and surgery or osteopathic medicine and surgery and specializes or has training and expertise in addiction medicine;

(4) Contract with or employ one or more of the following as necessary for the organization's operation:

(a) An individual licensed under Chapter 4758. of the Revised Code as an independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, chemical dependency counselor III, or chemical dependency counselor II;

(b) An individual licensed under Chapter 4757. of the Revised Code as an independent social worker, social worker, licensed professional clinical counselor, or licensed professional counselor;

(c) An individual licensed under Chapter 4732. of the Revised Code as a psychologist.

(C) The monitoring organization shall do all of the following pursuant to the contract:

(1) Receive any report of suspected practitioner impairment, including a report made under division (B)(2) of section 4730.32, division (B)(2) of section 4731.224, section 4759.13, division (B)(2) of section 4760.16, section 4761.19, division (B)(2) of section 4762.16, division (B)(2) of section 4772.23, division (B)(2) of section 4774.16, or section 4778.17 of the Revised Code;

(2) Notify a practitioner who is the subject of a report

received under division (C)(1) of this section that the report has	5847
been made and that the practitioner may be eligible to participate	5848
in the program conducted under this section;	5849
(3) Receive from the board a referral regarding an applicant,	5850
as described in section 4731.253 of the Revised Code;	5851
(4) Evaluate the records of an applicant who is the subject	5852
of a referral received under division (C)(3) of this section, in	5853
particular records from another jurisdiction regarding the	5854
applicant's prior treatment for impairment or current monitoring;	5855
(5) Determine whether a practitioner reported or applicant	5856
referred to the monitoring organization is eligible to participate	5857
in the program and notify the practitioner or applicant of the	5858
determination;	5859
(6) In the case of a practitioner reported by a treatment	5860
provider, notify the treatment provider of the eligibility	5861
determination;	5862
(7) Report to the board any practitioner or applicant who is	5863
determined ineligible to participate in the program;	5864
(8) Refer an eligible practitioner who chooses to participate	5865
in the program for evaluation by a treatment provider approved by	5866
the board under section 4731.25 of the Revised Code, unless the	5867
report received by the monitoring organization was made by an	5868
approved treatment provider and the practitioner has already been	5869
evaluated by the treatment provider;	5870
(9) Monitor the evaluation of an eligible practitioner;	5871
(10) Refer an eligible practitioner who chooses to	5872
participate in the program to a treatment provider approved by the	5873
board under section 4731.25 of the Revised Code;	5874

(11) Establish, in consultation with the treatment provider	5875
to which a practitioner is referred, the terms and conditions with	5876
which the practitioner must comply for continued participation in	5877
and successful completion of the program;	5878
(12) Report to the board any practitioner who does not	5879
complete evaluation or treatment or does not comply with any of	5880
the terms and conditions established by the monitoring	5881
organization and the treatment provider;	5882
(13) Perform any other activities specified in the contract	5883
with the board or that the monitoring organization considers	5884
necessary to comply with this section and sections 4731.252 to	5885
4731.254 of the Revised Code.	5886
(D) The monitoring organization shall not disclose to the	5887
board the name of a practitioner or applicant or any records	5888
relating to a practitioner or applicant, unless any of the	5889
following occurs:	5890
(1) The practitioner or applicant is determined to be	5891
ineligible to participate in the program.	5892
(2) The practitioner or applicant requests the disclosure.	5893
(3) The practitioner or applicant is unwilling or unable to	5894
complete or comply with any part of the program, including	5895
evaluation, treatment, or monitoring.	5896
(4) The practitioner or applicant presents an imminent danger	5897
to the public or to the practitioner, as a result of the	5898
practitioner's or applicant's impairment.	5899
(5) The practitioner has relapsed or the practitioner's	5900
impairment has not been substantially alleviated by participation	5901
in the program.	5902

(E)(1) The monitoring organization shall develop procedures governing each of the following:	5903 5904
(a) Receiving reports of practitioner impairment;	5905
(b) Notifying practitioners of reports and eligibility determinations;	5906 5907
(c) Receiving applicant referrals as described in section 4731.253 of the Revised Code;	5908 5909
(d) Evaluating records of referred applicants, in particular records from other jurisdictions regarding prior treatment for impairment or continued monitoring;	5910 5911 5912
(e) Notifying applicants of eligibility determinations;	5913
(f) Referring eligible practitioners for evaluation or treatment;	5914 5915
(g) Establishing individualized treatment plans for eligible practitioners, as recommended by treatment providers;	5916 5917
(h) Establishing individualized terms and conditions with which eligible practitioners or applicants must comply for continued participation in and successful completion of the program.	5918 5919 5920 5921
(2) The monitoring organization, in consultation with the board, shall develop procedures governing each of the following:	5922 5923
(a) Providing reports to the board on a periodic basis on the total number of practitioners or applicants participating in the program, without disclosing the names or records of any program participants other than those about whom reports are required by this section;	5924 5925 5926 5927 5928
(b) Reporting to the board any practitioner or applicant who due to impairment presents an imminent danger to the public or to	5929 5930

the practitioner or applicant; 5931

(c) Reporting to the board any practitioner or applicant who 5932
is unwilling or unable to complete or comply with any part of the 5933
program, including evaluation, treatment, or monitoring; 5934

(d) Reporting to the board any practitioner or applicant 5935
whose impairment was not substantially alleviated by participation 5936
in the program or who has relapsed. 5937

(F) The board may adopt any rules it considers necessary to 5938
implement this section and sections 4731.252 to 4731.254 of the 5939
Revised Code, including rules regarding the monitoring 5940
organization and treatment providers that provide treatment to 5941
practitioners referred by the monitoring organization. Any such 5942
rules shall be adopted in accordance with Chapter 119. of the 5943
Revised Code. 5944

Sec. 4734.99. (A) Whoever violates section 4734.14 or 5945
4734.141 of the Revised Code is guilty of a felony of the fifth 5946
degree on a first offense, unless the offender previously has been 5947
convicted of or has pleaded guilty to a violation of section 5948
2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.40, 5949
2913.47, 2913.48, 2913.51, 2921.13, 4715.09, 4723.03, 4725.02, 5950
4725.41, 4729.27, 4729.28, 4729.36, 4729.51, 4729.61, 4730.02, 5951
4731.41, 4731.43, 4731.46, 4731.47, 4731.60, 4732.21, 4741.18, 5952
4741.19, 4755.48, 4757.02, 4759.02, 4761.10, 4772.02, or 4773.02 5953
of the Revised Code or an offense under an existing or former law 5954
of this state, another state, or the United States that is or was 5955
substantially equivalent to a violation of any of those sections, 5956
in which case the offender is guilty of a felony of the fourth 5957
degree. For each subsequent offense, the offender is guilty of a 5958
felony of the fourth degree. 5959

(B) Whoever violates section 4734.161 of the Revised Code is 5960
guilty of a misdemeanor of the first degree. 5961

(C) Whoever violates division (A), (B), (C), or (D) of 5962
section 4734.32 of the Revised Code is guilty of a minor 5963
misdemeanor on a first offense; on each subsequent offense, the 5964
person is guilty of a misdemeanor of the fourth degree, except 5965
that an individual guilty of a subsequent offense shall not be 5966
subject to imprisonment, but to a fine alone of up to one thousand 5967
dollars for each offense. 5968

Sec. 4743.09. (A) As used in this section: 5969

(1) "Durable medical equipment" means a type of equipment, 5970
such as a remote monitoring device utilized by a physician, 5971
physician assistant, or advanced practice registered nurse in 5972
accordance with this section, that can withstand repeated use, is 5973
primarily and customarily used to serve a medical purpose, and 5974
generally is not useful to a person in the absence of illness or 5975
injury and, in addition, includes repair and replacement parts for 5976
the equipment. 5977

(2) "Facility fee" means any fee charged or billed for 5978
telehealth services provided in a facility that is intended to 5979
compensate the facility for its operational expenses and is 5980
separate and distinct from a professional fee. 5981

(3) "Health care professional" means: 5982

(a) An advanced practice registered nurse, as defined in 5983
section 4723.01 of the Revised Code; 5984

(b) An optometrist licensed under Chapter 4725. of the 5985
Revised Code to practice optometry; 5986

(c) A pharmacist licensed under Chapter 4729. of the Revised 5987

Code;	5988
(d) A physician assistant licensed under Chapter 4730. of the Revised Code;	5989 5990
(e) A physician licensed under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;	5991 5992 5993
(f) A psychologist, independent school psychologist, or school psychologist licensed under Chapter 4732. of the Revised Code;	5994 5995 5996
(g) A chiropractor licensed under Chapter 4734. of the Revised Code;	5997 5998
(h) An audiologist or speech-language pathologist licensed under Chapter 4753. of the Revised Code;	5999 6000
(i) An occupational therapist or physical therapist licensed under Chapter 4755. of the Revised Code;	6001 6002
(j) An occupational therapy assistant or physical therapist assistant licensed under Chapter 4755. of the Revised Code;	6003 6004
(k) A professional clinical counselor, independent social worker, or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code;	6005 6006 6007
(l) An independent chemical dependency counselor licensed under Chapter 4758. of the Revised Code;	6008 6009
(m) A dietitian licensed under Chapter 4759. of the Revised Code;	6010 6011
(n) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	6012 6013
(o) A genetic counselor licensed under Chapter 4778. of the	6014

Revised Code;	6015
(p) A certified Ohio behavior analyst certified under Chapter 4783. of the Revised Code;	6016
<u>(q) A certified mental health assistant licensed under Chapter 4772. of the Revised Code.</u>	6017
(4) "Health care professional licensing board" means any of the following:	6018
(a) The board of nursing;	6019
(b) The state vision professionals board;	6020
(c) The state board of pharmacy;	6021
(d) The state medical board;	6022
(e) The state board of psychology;	6023
(f) The state chiropractic board;	6024
(g) The state speech and hearing professionals board;	6025
(h) The Ohio occupational therapy, physical therapy, and athletic trainers board;	6026
(i) The counselor, social worker, and marriage and family therapist board;	6027
(j) The chemical dependency professionals board.	6028
(5) "Health plan issuer" has the same meaning as in section 3922.01 of the Revised Code.	6029
(6) "Telehealth services" means health care services provided through the use of information and communication technology by a health care professional, within the professional's scope of practice, who is located at a site other than the site where either of the following is located:	6030
	6031
	6032
	6033
	6034
	6035
	6036
	6037
	6038
	6039
	6040

(a) The patient receiving the services; 6041

(b) Another health care professional with whom the provider 6042
of the services is consulting regarding the patient. 6043

(B)(1) Each health care professional licensing board shall 6044
permit a health care professional under its jurisdiction to 6045
provide the professional's services as telehealth services in 6046
accordance with this section. Subject to division (B)(2) of this 6047
section, a board may adopt any rules it considers necessary to 6048
implement this section. All rules adopted under this section shall 6049
be adopted in accordance with Chapter 119. of the Revised Code. 6050
Any such rules adopted by a board are not subject to the 6051
requirements of division (F) of section 121.95 of the Revised 6052
Code. 6053

(2)(a) Except as provided in division (B)(2)(b) of this 6054
section, the rules adopted by a health care professional licensing 6055
board under this section shall establish a standard of care for 6056
telehealth services that is equal to the standard of care for 6057
in-person services. 6058

(b) Subject to division (B)(2)(c) of this section, a board 6059
may require an initial in-person visit prior to prescribing a 6060
schedule II controlled substance to a new patient, equivalent to 6061
applicable state and federal requirements. 6062

(c)(i) A board shall not require an initial in-person visit 6063
for a new patient whose medical record indicates that the patient 6064
is receiving hospice or palliative care, who is receiving 6065
medication-assisted treatment or any other medication for 6066
opioid-use disorder, who is a patient with a mental health 6067
condition, or who, as determined by the clinical judgment of a 6068
health care professional, is in an emergency situation. 6069

(ii) Notwithstanding division (B) of section 3796.01 of the Revised Code, medical marijuana shall not be considered a schedule II controlled substance.

(C) With respect to the provision of telehealth services, all of the following apply:

(1) A health care professional may use synchronous or asynchronous technology to provide telehealth services to a patient during an initial visit if the appropriate standard of care for an initial visit is satisfied.

(2) A health care professional may deny a patient telehealth services and, instead, require the patient to undergo an in-person visit.

(3) When providing telehealth services in accordance with this section, a health care professional shall comply with all requirements under state and federal law regarding the protection of patient information. A health care professional shall ensure that any username or password information and any electronic communications between the professional and a patient are securely transmitted and stored.

(4) A health care professional may use synchronous or asynchronous technology to provide telehealth services to a patient during an annual visit if the appropriate standard of care for an annual visit is satisfied.

(5) In the case of a health care professional who is a physician, physician assistant, or advanced practice registered nurse, both of the following apply:

(a) The professional may provide telehealth services to a patient located outside of this state if permitted by the laws of the state in which the patient is located.

(b) The professional may provide telehealth services through 6099
the use of medical devices that enable remote monitoring, 6100
including such activities as monitoring a patient's blood 6101
pressure, heart rate, or glucose level. 6102

(D) When a patient has consented to receiving telehealth 6103
services, the health care professional who provides those services 6104
is not liable in damages under any claim made on the basis that 6105
the services do not meet the same standard of care that would 6106
apply if the services were provided in-person. 6107

(E)(1) A health care professional providing telehealth 6108
services shall not charge a patient or a health plan issuer 6109
covering telehealth services under section 3902.30 of the Revised 6110
Code any of the following: a facility fee, an origination fee, or 6111
any fee associated with the cost of the equipment used at the 6112
provider site to provide telehealth services. 6113

A health care professional providing telehealth services may 6114
charge a health plan issuer for durable medical equipment used at 6115
a patient or client site. 6116

(2) A health care professional may negotiate with a health 6117
plan issuer to establish a reimbursement rate for fees associated 6118
with the administrative costs incurred in providing telehealth 6119
services as long as a patient is not responsible for any portion 6120
of the fee. 6121

(3) A health care professional providing telehealth services 6122
shall obtain a patient's consent before billing for the cost of 6123
providing the services, but the requirement to do so applies only 6124
once. 6125

(F) Nothing in this section limits or otherwise affects any 6126
other provision of the Revised Code that requires a health care 6127

professional who is not a physician to practice under the 6128
supervision of, in collaboration with, in consultation with, or 6129
pursuant to the referral of another health care professional. 6130

(G) It is the intent of the general assembly, through the 6131
amendments to this section, to expand access to and investment in 6132
telehealth services in this state in congruence with the expansion 6133
and investment in telehealth services made during the COVID-19 6134
pandemic. 6135

Sec. 4755.48. (A) No person shall employ fraud or deception 6136
in applying for or securing a license to practice physical therapy 6137
or to be a physical therapist assistant. 6138

(B) No person shall practice or in any way imply or claim to 6139
the public by words, actions, or the use of letters as described 6140
in division (C) of this section to be able to practice physical 6141
therapy or to provide physical therapy services, including 6142
practice as a physical therapist assistant, unless the person 6143
holds a valid license under sections 4755.40 to 4755.56 of the 6144
Revised Code or except for submission of claims as provided in 6145
section 4755.56 of the Revised Code. 6146

(C) No person shall use the words or letters, physical 6147
therapist, physical therapy, physical therapy services, 6148
physiotherapist, physiotherapy, physiotherapy services, licensed 6149
physical therapist, P.T., Ph.T., P.T.T., R.P.T., L.P.T., M.P.T., 6150
D.P.T., M.S.P.T., P.T.A., physical therapy assistant, physical 6151
therapist assistant, physical therapy technician, licensed 6152
physical therapist assistant, L.P.T.A., R.P.T.A., or any other 6153
letters, words, abbreviations, or insignia, indicating or implying 6154
that the person is a physical therapist or physical therapist 6155
assistant without a valid license under sections 4755.40 to 6156

4755.56 of the Revised Code. 6157

(D) No person who practices physical therapy or assists in 6158
the provision of physical therapy treatments under the supervision 6159
of a physical therapist shall fail to display the person's current 6160
license granted under sections 4755.40 to 4755.56 of the Revised 6161
Code in a conspicuous location in the place where the person 6162
spends the major part of the person's time so engaged. 6163

(E) Nothing in sections 4755.40 to 4755.56 of the Revised 6164
Code shall affect or interfere with the performance of the duties 6165
of any physical therapist or physical therapist assistant in 6166
active service in the army, navy, coast guard, marine corps, air 6167
force, public health service, or marine hospital service of the 6168
United States, while so serving. 6169

(F) Nothing in sections 4755.40 to 4755.56 of the Revised 6170
Code shall prevent or restrict the activities or services of a 6171
person pursuing a course of study leading to a degree in physical 6172
therapy in an accredited or approved educational program if the 6173
activities or services constitute a part of a supervised course of 6174
study and the person is designated by a title that clearly 6175
indicates the person's status as a student. 6176

(G)(1) Subject to division (G)(2) of this section, nothing in 6177
sections 4755.40 to 4755.56 of the Revised Code shall prevent or 6178
restrict the activities or services of any person who holds a 6179
current, unrestricted license to practice physical therapy in 6180
another state when that person, pursuant to contract or employment 6181
with an athletic team located in the state in which the person 6182
holds the license, provides physical therapy to any of the 6183
following while the team is traveling to or from or participating 6184
in a sporting event in this state: 6185

(a) A member of the athletic team; 6186

(b) A member of the athletic team's coaching, communications, equipment, or sports medicine staff;	6187 6188
(c) A member of a band or cheerleading squad accompanying the athletic team;	6189 6190
(d) The athletic team's mascot.	6191
(2) In providing physical therapy pursuant to division (G)(1) of this section, the person shall not do either of the following:	6192 6193
(a) Provide physical therapy at a health care facility;	6194
(b) Provide physical therapy for more than sixty days in a calendar year.	6195 6196
(3) The limitations described in divisions (G)(1) and (2) of this section do not apply to a person who is practicing in accordance with the compact privilege granted by this state through the "Physical Therapy Licensure Compact" entered into under section 4755.57 of the Revised Code.	6197 6198 6199 6200 6201
(H)(1) Except as provided in division (H)(2) of this section and subject to division (I) of this section, no person shall practice physical therapy other than on the prescription of, or the referral of a patient by, a person who is licensed in this or another state to do at least one of the following:	6202 6203 6204 6205 6206
(a) Practice medicine and surgery, chiropractic, dentistry, osteopathic medicine and surgery, podiatric medicine and surgery;	6207 6208
(b) Practice as a physician assistant;	6209
(c) Practice nursing as an advanced practice registered nurse;	6210 6211
<u>(d) Practice as a certified mental health assistant.</u>	6212
(2) The prohibition in division (H)(1) of this section on	6213

practicing physical therapy other than on the prescription of, or 6214
 the referral of a patient by, any of the persons described in that 6215
 division does not apply if either of the following applies to the 6216
 person: 6217

(a) The person holds a master's or doctorate degree from a 6218
 professional physical therapy program that is accredited by a 6219
 national physical therapy accreditation agency approved by the 6220
 physical therapy section of the Ohio occupational therapy, 6221
 physical therapy, and athletic trainers board. 6222

(b) On or before December 31, 2004, the person has completed 6223
 at least two years of practical experience as a licensed physical 6224
 therapist. 6225

(I) To be authorized to prescribe physical therapy or refer a 6226
 patient to a physical therapist for physical therapy, a person 6227
 described in division (H)(1) of this section must be in good 6228
 standing with the relevant licensing board in this state or the 6229
 state in which the person is licensed and must act only within the 6230
 person's scope of practice. 6231

(J) In the prosecution of any person for violation of 6232
 division (B) or (C) of this section, it is not necessary to allege 6233
 or prove want of a valid license to practice physical therapy or 6234
 to practice as a physical therapist assistant, but such matters 6235
 shall be a matter of defense to be established by the accused. 6236

Sec. 4755.623. (A) A person licensed as an athletic trainer 6237
 pursuant to this chapter shall engage in the activities described 6238
 in section 4755.621 or 4755.622 of the Revised Code only if the 6239
 person acts upon the referral of one or more of the following: 6240

(1) A physician; 6241

(2) A dentist licensed under Chapter 4715. of the Revised Code;	6242 6243
(3) A physical therapist licensed under this chapter;	6244
(4) A chiropractor licensed under Chapter 4734. of the Revised Code;	6245 6246
(5) Subject to division (B) of this section, an athletic trainer licensed under this chapter;	6247 6248
(6) A physician assistant licensed under Chapter 4730. of the Revised Code;	6249 6250
(7) A certified nurse practitioner licensed under Chapter 4723. of the Revised Code;	6251 6252
<u>(8) A certified mental health assistant licensed under Chapter 4772. of the Revised Code.</u>	6253 6254
(B) A person licensed as an athletic trainer pursuant to this chapter may practice upon the referral of an athletic trainer described in division (A) of this section only if athletic training has already been recommended and referred by a health care provider described in division (A) of this section who is not an athletic trainer.	6255 6256 6257 6258 6259 6260
Sec. 4765.51. Nothing in this chapter prevents or restricts the practice, services, or activities of any registered nurse practicing within the scope of the registered nurse's practice.	6261 6262 6263
Nothing in this chapter prevents or restricts the practice, services, or activities of any physician assistant practicing in accordance with a supervision agreement entered into under section 4730.19 of the Revised Code, including, if applicable, the policies of the health care facility in which the physician assistant is practicing.	6264 6265 6266 6267 6268 6269

Nothing in this chapter prevents or restricts the practice, services, or activities of any certified mental health assistant practicing in accordance with a supervision agreement entered into under section 4772.10 of the Revised Code.

Sec. 4769.01. As used in this chapter: 6274

(A) "Medicare" means the program established by Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended. 6275
6276
6277

(B) "Balance billing" means charging or collecting from a medicare beneficiary an amount in excess of the medicare reimbursement rate for medicare-covered services or supplies provided to a medicare beneficiary, except when medicare is the secondary insurer. When medicare is the secondary insurer, the health care practitioner may pursue full reimbursement under the terms and conditions of the primary coverage and, if applicable, the charge allowed under the terms and conditions of the appropriate provider contract, from the primary insurer, but the medicare beneficiary cannot be balance billed above the medicare reimbursement rate for a medicare-covered service or supply. "Balance billing" does not include charging or collecting deductibles or coinsurance required by the program. 6278
6279
6280
6281
6282
6283
6284
6285
6286
6287
6288
6289
6290

(C) "Health care practitioner" means all of the following: 6291

(1) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code; 6292
6293

(2) A registered or licensed practical nurse licensed under Chapter 4723. of the Revised Code; 6294
6295

(3) An optometrist licensed under Chapter 4725. of the Revised Code; 6296
6297

(4) A dispensing optician, spectacle dispensing optician, or spectacle-contact lens dispensing optician licensed under Chapter 4725. of the Revised Code;	6298 6299 6300
(5) A pharmacist licensed under Chapter 4729. of the Revised Code;	6301 6302
(6) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry;	6303 6304 6305
(7) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	6306 6307
(8) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;	6308 6309
(9) A psychologist licensed under Chapter 4732. of the Revised Code;	6310 6311
(10) A chiropractor licensed under Chapter 4734. of the Revised Code;	6312 6313
(11) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	6314 6315
(12) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	6316 6317
(13) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	6318 6319
(14) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	6320 6321
(15) A licensed professional clinical counselor, licensed professional counselor, social worker, or independent social worker licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;	6322 6323 6324 6325

(16) A dietitian licensed under Chapter 4759. of the Revised Code;	6326 6327
(17) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	6328 6329
(18) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code;	6330 6331 6332
<u>(19) A certified mental health assistant licensed under Chapter 4772. of the Revised Code.</u>	6333 6334
<u>Sec. 4772.01. As used in this chapter:</u>	6335
<u>(A) "Certified mental health assistant" means an individual who, under physician supervision, provides mental health care by engaging in any of the activities authorized under section 4772.09 of the Revised Code.</u>	6336 6337 6338 6339
<u>(B) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.</u>	6340 6341
<u>(C) "Drug database" means the database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.</u>	6342 6343 6344
<u>(D) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.</u>	6345 6346
<u>(E) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.</u>	6347 6348 6349
<u>Sec. 4772.02. (A) No person shall hold that person out as being able to function as a certified mental health assistant, or use any words or letters indicating or implying that the person is</u>	6350 6351 6352

a certified mental health assistant, without a current, valid 6353
license to practice as a certified mental health assistant issued 6354
pursuant to this chapter. 6355

(B) No person shall practice as a certified mental health 6356
assistant without the supervision, control, and direction of a 6357
physician. 6358

(C) No person shall practice as a certified mental health 6359
assistant without having entered into a supervision agreement with 6360
a supervising physician under section 4772.10 of the Revised Code. 6361

(D) No person acting as the supervising physician of a 6362
certified mental health assistant shall authorize the certified 6363
mental health assistant to perform services if either of the 6364
following is the case: 6365

(1) The services are not within the physician's normal course 6366
of practice and expertise. 6367

(2) The services are inconsistent with the supervision 6368
agreement under which the certified mental health assistant is 6369
being supervised. 6370

(E) No person shall advertise to provide services as a 6371
certified mental health assistant, except for the purpose of 6372
seeking employment. 6373

(F) No person practicing as a certified mental health 6374
assistant shall fail to wear at all times when on duty a placard, 6375
plate, or other device identifying that person as a "certified 6376
mental health assistant." 6377

Sec. 4772.03. Nothing in this chapter shall: 6378

(A) Be construed to affect or interfere with the performance 6379

of duties of any medical personnel who are either of the 6380
following: 6381

(1) In active service in the army, navy, coast guard, marine 6382
corps, air force, public health service, or marine hospital 6383
service of the United States while so serving; 6384

(2) Employed by the veterans administration of the United 6385
States while so employed. 6386

(B) Prevent any person from performing any of the services a 6387
certified mental health assistant may be authorized to perform, if 6388
the person's professional scope of practice established under any 6389
other chapter of the Revised Code authorizes the person to perform 6390
the services; 6391

(C) Prohibit a physician from delegating responsibilities to 6392
any nurse or other qualified person who does not hold a license to 6393
practice as a certified mental health assistant, provided that the 6394
nurse or other qualified person is not held out to be a certified 6395
mental health assistant; 6396

(D) Be construed as authorizing a certified mental health 6397
assistant independently to order or direct the execution of 6398
procedures or techniques by a registered nurse or licensed 6399
practical nurse in the care and treatment of a person in any 6400
setting, except to the extent that the certified mental health 6401
assistant is authorized to do so by a physician who is responsible 6402
for supervising the certified mental health assistant. 6403

Sec. 4772.04. (A) An individual seeking a license to practice 6404
as a certified mental health assistant shall file with the state 6405
medical board a written application on a form prescribed and 6406
supplied by the board. The application shall include all the 6407
information the board considers necessary to process the 6408

application, including evidence satisfactory to the board that the applicant meets the requirements specified in division (B) of this section. 6409
6410
6411

At the time an application is submitted, the applicant shall pay the board the application fee specified by the board in rules adopted under section 4772.19 of the Revised Code. No part of the fee shall be returned. 6412
6413
6414
6415

(B) To be eligible to receive a license to practice as a certified mental health assistant, an applicant shall meet both of the following requirements: 6416
6417
6418

(1) Be at least eighteen years of age; 6419

(2) Meet either of the following educational requirements: 6420

(a) Hold a master's or higher degree obtained from a program approved by the board pursuant to section 4772.05 of the Revised Code; 6421
6422
6423

(b) Meet both of the following requirements: 6424

(i) Hold a diploma from a medical school or osteopathic medical school that, at the time the diploma was issued, was a medical school accredited by the liaison committee on medical education or an osteopathic medical school accredited by the American osteopathic association; 6425
6426
6427
6428
6429

(ii) Have completed twelve months of coursework from a program approved by the board pursuant to section 4772.05 of the Revised Code. 6430
6431
6432

(C) The board shall review all applications received under this section. Not later than sixty days after receiving an application the board considers to be complete, the board shall determine whether the applicant meets the requirements to receive 6433
6434
6435
6436

a license to practice as a certified mental health assistant. 6437

Sec. 4772.041. In addition to any other eligibility 6438
requirement set forth in this chapter, each applicant for a 6439
license to practice as a certified mental health assistant shall 6440
comply with sections 4776.01 to 4776.04 of the Revised Code. 6441

Sec. 4772.05. The state medical board shall approve education 6442
programs for purposes of divisions (B)(2)(a) and (B)(2)(b)(ii) of 6443
section 4772.04 of the Revised Code. 6444

To be eligible for approval by the board, an education 6445
program shall meet all of the following: 6446

(A) Be accredited by an organization recognized by the board 6447
as qualified to accredit mental health educational programs; 6448

(B) Include courses in each of the following areas: 6449

(1) Psychiatric diagnoses included in the diagnostic and 6450
statistical manual of mental disorders published by the American 6451
psychiatric association, or a similar publication if designated by 6452
the board; 6453

(2) Laboratory studies used in diagnosing or managing 6454
psychiatric conditions; 6455

(3) Medical conditions that mimic or present as psychiatric 6456
conditions; 6457

(4) Medical conditions associated with psychiatric conditions 6458
or treatment; 6459

(5) Psychopharmacology, including treatment of psychiatric 6460
conditions, interactions, and recognition and management of drug 6461
side effects and complications; 6462

(6) Psychosocial interventions; 6463

Sec. 4772.08. (A) An individual seeking to renew a license to practice as a certified mental health assistant shall, on or before the license's expiration date, apply to the state medical board for renewal. The board shall provide renewal notices to license holders at least one month prior to the expiration date.

Renewal applications shall be submitted to the board in a manner prescribed by the board. Each application shall be accompanied by a biennial renewal fee specified by the board in rules adopted under section 4772.19 of the Revised Code.

The applicant shall report any criminal offense that constitutes grounds for refusing to issue a license under section 4772.20 of the Revised Code to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last signing an application for a license to practice as a certified mental health assistant.

(B) To be eligible for renewal, a certified mental health assistant shall certify to the board that the assistant has complied with the renewal eligibility requirements established under section 4772.081 of the Revised Code that pertain to the applicant.

(C) If an applicant submits a renewal application that the board considers to be complete and qualifies for renewal pursuant to division (B) of this section, the board shall issue to the applicant a renewed license to practice as a certified mental health assistant.

(D) The board may require a random sample of license holders to submit materials documenting that the continuing education requirements of section 4772.081 of the Revised Code, and any

other continuing education required by the board's rules, have 6520
been satisfied. 6521

Division (D) of this section does not limit the board's 6522
authority to conduct investigations pursuant to section 4772.20 of 6523
the Revised Code. 6524

(E) A license that is not renewed on or before its expiration 6525
date is automatically suspended on its expiration date, subject to 6526
the provisions of section 119.06 of the Revised Code specifying 6527
that an applicant who appropriately files a renewal application is 6528
not required to discontinue practicing merely because the board 6529
has failed to act on the application. 6530

If a license has been suspended pursuant to this division for 6531
two years or less, the board shall reinstate the license upon an 6532
applicant's submission of a renewal application, the biennial 6533
renewal fee, and the applicable monetary penalty. The penalty for 6534
reinstatement is fifty dollars. 6535

If a license has been suspended pursuant to this division for 6536
more than two years, it may be restored. Subject to section 6537
4772.082 of the Revised Code, the board may restore the license 6538
upon an applicant's submission of a restoration application, the 6539
biennial renewal fee, the applicable monetary penalty, and 6540
compliance with sections 4776.01 to 4776.04 of the Revised Code. 6541
The board shall not restore a license unless the board, in its 6542
discretion, decides that the results of the criminal records check 6543
do not make the applicant ineligible for a certificate issued 6544
pursuant to section 4772.06 of the Revised Code. The penalty for 6545
restoration is one hundred dollars. 6546

(F)(1) If, through a random sample conducted under division 6547
(D) of this section or any other means, the board finds that an 6548
individual who certified completion of the continuing education 6549

required to renew, reinstate, or restore a license to practice did 6550
not complete the requisite continuing medical education, the board 6551
may do either of the following: 6552

(a) Take disciplinary action against the individual under 6553
section 4772.20 of the Revised Code, impose a civil penalty, or 6554
both; 6555

(b) Permit the individual to agree in writing to complete the 6556
continuing medical education and pay a civil penalty. 6557

(2) The board's finding in any disciplinary action taken 6558
under division (F)(1)(a) of this section shall be made pursuant to 6559
an adjudication under Chapter 119. of the Revised Code and by an 6560
affirmative vote of not fewer than six of its members. 6561

(3) A civil penalty imposed under division (F)(1)(a) of this 6562
section or paid under division (F)(1)(b) of this section shall be 6563
in an amount specified by the board of not more than five thousand 6564
dollars. The board shall deposit civil penalties in accordance 6565
with section 4731.24 of the Revised Code. 6566

Sec. 4772.081. (A) To be eligible for renewal of a license to 6567
practice as a certified mental health assistant, an applicant who 6568
has been granted physician-delegated prescriptive authority by the 6569
physician supervising the certified mental health assistant is 6570
subject to both of the following: 6571

(1) The applicant shall complete every two years at least 6572
twelve hours of continuing education in pharmacology obtained 6573
through a program or course approved by the state medical board or 6574
a person the board has authorized to approve continuing 6575
pharmacology education programs and courses. Except as provided in 6576
section 5903.12 of the Revised Code, the continuing education 6577
shall be completed not later than the date on which the 6578

applicant's license expires. 6579

(2)(a) Except as provided in division (A)(2)(b) of this 6580
section, in the case of an applicant who prescribes opioid 6581
analgesics or benzodiazepines, as defined in section 3719.01 of 6582
the Revised Code, the applicant shall certify to the board whether 6583
the applicant has been granted access to the drug database. 6584

(b) The requirement described in division (A)(2)(a) of this 6585
section does not apply if any of the following is the case: 6586

(i) The state board of pharmacy notifies the state medical 6587
board pursuant to section 4729.861 of the Revised Code that the 6588
applicant has been restricted from obtaining further information 6589
from the drug database. 6590

(ii) The state board of pharmacy no longer maintains the drug 6591
database. 6592

(iii) The applicant does not practice as a certified mental 6593
health assistant in this state. 6594

(c) If an applicant certifies to the state medical board that 6595
the applicant has been granted access to the drug database and the 6596
board finds through an audit or other means that the applicant has 6597
not been granted access, the board may take action under section 6598
4772.20 of the Revised Code. 6599

(B) The state medical board shall provide for pro rata 6600
reductions by month of the number of hours of continuing education 6601
in pharmacology that is required to be completed for certified 6602
mental health assistants who have been disabled due to illness or 6603
accident or have been absent from the country. The board shall 6604
adopt rules, in accordance with Chapter 119. of the Revised Code, 6605
as necessary to implement this division. 6606

(C) The continuing education required by this section is in 6607

addition to any other continuing education required by the board's 6608
rules. 6609

(D) If the board chooses to authorize persons to approve 6610
continuing pharmacology education programs and courses, it shall 6611
establish standards for granting that authority and grant the 6612
authority in accordance with the standards. 6613

Sec. 4772.082. (A) This section applies to both of the 6614
following: 6615

(1) An applicant seeking restoration of a license issued 6616
under this chapter that has been in a suspended or inactive state 6617
for any cause for more than two years; 6618

(2) An applicant seeking issuance of a license pursuant to 6619
this chapter who for more than two years has not been practicing 6620
as a certified mental health assistant as either of the following: 6621

(a) An active practitioner; 6622

(b) A student in an academic program as described in section 6623
4772.04 of the Revised Code. 6624

(B) Before issuing a license to an applicant subject to this 6625
section or restoring a license to good standing for an applicant 6626
subject to this section, the state medical board may impose terms 6627
and conditions including any one or more of the following: 6628

(1) Requiring the applicant to pass an oral or written 6629
examination, or both, to determine the applicant's present fitness 6630
to resume practice; 6631

(2) Requiring the applicant to obtain additional training and 6632
to pass an examination upon completion of such training; 6633

(3) Requiring an assessment of the applicant's physical 6634

skills for purposes of determining whether the applicant's 6635
coordination, fine motor skills, and dexterity are sufficient for 6636
performing evaluations and procedures in a manner that meets the 6637
minimal standards of care; 6638

(4) Requiring an assessment of the applicant's skills in 6639
recognizing and understanding diseases and conditions; 6640

(5) Requiring the applicant to undergo a comprehensive 6641
physical examination, which may include an assessment of physical 6642
abilities, evaluation of sensory capabilities, or screening for 6643
the presence of neurological disorders; 6644

(6) Restricting or limiting the extent, scope, or type of 6645
practice of the applicant. 6646

The board shall consider the moral background and the 6647
activities of the applicant during the period of suspension or 6648
inactivity. The board shall not issue or restore a license under 6649
this section unless the applicant complies with sections 4776.01 6650
to 4776.04 of the Revised Code. 6651

Sec. 4772.09. A license to practice as a certified mental 6652
health assistant issued under this chapter authorizes the holder 6653
to practice as a certified mental health assistant as follows: 6654

(A) The certified mental health assistant shall practice only 6655
under the supervision, control, and direction of a physician with 6656
whom the certified mental health assistant has entered into a 6657
supervision agreement under section 4772.10 of the Revised Code. 6658

(B) The certified mental health assistant shall practice in 6659
accordance with the supervision agreement entered into with the 6660
physician who is responsible for supervising the certified mental 6661
health assistant. 6662

(C) Subject to division (D) of this section, a certified mental health assistant licensed under this chapter may perform any of the following services authorized by the supervising physician that are part of the supervising physician's normal course of practice and expertise: 6663
6664
6665
6666
6667

(1) Ordering diagnostic, therapeutic, and other medical services as appropriate based on a patient's diagnosis that has been made in accordance with division (D) of this section; 6668
6669
6670

(2) Ordering, prescribing, personally furnishing, and administering drugs and medical devices in accordance with sections 4772.12 to 4772.15 of the Revised Code; 6671
6672
6673

(3) Prescribing physical therapy or referring a patient to a physical therapist for physical therapy, if related to a diagnosis that has been made in accordance with division (D) of this section; 6674
6675
6676
6677

(4) Ordering occupational therapy or referring a patient to an occupational therapist for occupational therapy, if related to a diagnosis that has been made in accordance with division (D) of this section; 6678
6679
6680
6681

(5) Referring a patient to emergency medical services for acute safety concerns, provided the certified mental health assistant consults with the assistant's supervising physician as soon as possible thereafter; 6682
6683
6684
6685

(6) Referring a patient for voluntary or involuntary admission for substance use disorder treatment or inpatient psychiatric care, but only after consulting with the certified mental health assistant's supervising physician; 6686
6687
6688
6689

(7) Any other services specified by the state medical board in rules adopted under section 4772.19 of the Revised Code. 6690
6691

(D) A certified mental health assistant shall not do any of 6692
the following: 6693

(1) Make an initial diagnosis; 6694

(2) Treat a patient for any diagnosis or condition not found 6695
in the most recent edition of the diagnostic and statistical 6696
manual of mental disorders published by the American psychiatric 6697
association, or a similar publication if designated by the board; 6698

(3) Engage in electroconvulsive therapy, transcranial 6699
magnetic stimulation, or any other intervention designated as 6700
invasive by the board's rules. 6701

Sec. 4772.091. A certified mental health assistant may 6702
provide telehealth services in accordance with section 4743.09 of 6703
the Revised Code. 6704

Sec. 4772.092. (A) Acting pursuant to a supervision 6705
agreement, a certified mental health assistant may delegate 6706
performance of a task to implement a patient's plan of care or, if 6707
the conditions in division (C) of this section are met, may 6708
delegate administration of a drug. Subject to division (D) of 6709
section 4772.03 of the Revised Code, delegation may be to any 6710
person. The certified mental health assistant must be physically 6711
present at the location where the task is performed or the drug 6712
administered. 6713

(B) Prior to delegating a task or administration of a drug, a 6714
certified mental health assistant shall determine that the task or 6715
drug is appropriate for the patient and the person to whom the 6716
delegation is to be made may safely perform the task or administer 6717
the drug. 6718

(C) A certified mental health assistant may delegate 6719

administration of a drug only if all of the following conditions 6720
are met: 6721

(1) The certified mental health assistant has been granted 6722
physician-delegated prescriptive authority by the physician 6723
supervising the certified mental health assistant and is 6724
authorized to prescribe the drug. 6725

(2) The drug is not a controlled substance. 6726

(3) The drug will not be administered intravenously. 6727

(4) The drug will not be administered in a hospital inpatient 6728
care unit, as defined in section 3727.50 of the Revised Code; a 6729
hospital emergency department; a freestanding emergency 6730
department; or an ambulatory surgical facility licensed under 6731
section 3702.30 of the Revised Code. 6732

(D) A person not otherwise authorized to administer a drug or 6733
perform a specific task may do so in accordance with a certified 6734
mental health assistant's delegation under this section. 6735

Sec. 4772.10. (A) Before initiating supervision of one or 6736
more certified mental health assistants licensed under this 6737
chapter, a physician shall enter into a supervision agreement with 6738
each certified mental health assistant who will be supervised. A 6739
supervision agreement may apply to one or more certified mental 6740
health assistants, but, except as provided in division (B)(5) of 6741
this section, may apply to not more than one physician. The 6742
supervision agreement shall specify that the physician agrees to 6743
supervise the certified mental health assistant and the certified 6744
mental health assistant agrees to practice under that physician's 6745
supervision. 6746

The agreement shall clearly state that the supervising 6747

physician is legally responsible and assumes legal liability for 6748
the services provided by the certified mental health assistant. 6749
The agreement shall be signed by the physician and the certified 6750
mental health assistant. 6751

(B) A supervision agreement shall include terms that specify 6752
all of the following: 6753

(1) The responsibilities to be fulfilled by the physician in 6754
supervising the certified mental health assistant; 6755

(2) The responsibilities to be fulfilled by the certified 6756
mental health assistant when performing services under the 6757
physician's supervision; 6758

(3) Any limitations on the responsibilities to be fulfilled 6759
by the certified mental health assistant; 6760

(4) The circumstances under which the certified mental health 6761
assistant is required to refer a patient to the supervising 6762
physician; 6763

(5) If the supervising physician chooses to designate 6764
physicians to act as alternate supervising physicians, the names, 6765
business addresses, and business telephone numbers of the 6766
physicians who have agreed to act in that capacity. 6767

(C) A supervision agreement may be amended to modify the 6768
responsibilities of one or more certified mental health assistants 6769
or to include one or more additional certified mental health 6770
assistants. 6771

(D) The supervising physician who entered into a supervision 6772
agreement shall retain a copy of the agreement in the records 6773
maintained by the supervising physician. Each certified mental 6774
health assistant who entered into the supervision agreement shall 6775
retain a copy of the agreement in the records maintained by the 6776

certified mental health assistant. 6777

(E)(1) If the board finds, through a review conducted under this section or through any other means, any of the following, the board may take disciplinary action against the individual under section 4731.22 or 4772.20 of the Revised Code, impose a civil penalty, or both: 6778

(a) That a certified mental health assistant has practiced in a manner that departs from, or fails to conform to, the terms of a supervision agreement entered into under this section; 6779

(b) That a physician has supervised a certified mental health assistant in a manner that departs from, or fails to conform to, the terms of a supervision agreement entered into under this section; 6780

(c) That a physician or certified mental health assistant failed to comply with division (A) or (B) of this section. 6781

(2) If the board finds, through a review conducted under this section or through any other means, that a physician or certified mental health assistant failed to comply with division (D) of this section, the board may do either of the following: 6782

(a) Take disciplinary action against the individual under section 4731.22 or 4772.20 of the Revised Code, impose a civil penalty, or both; 6783

(b) Permit the individual to agree in writing to update the records to comply with division (D) of this section and pay a civil penalty. 6784

(3) The board's finding in any disciplinary action taken under division (E) of this section shall be made pursuant to an adjudication conducted under Chapter 119. of the Revised Code. 6800

6801

6802

6803

6804

(4) A civil penalty imposed under division (E)(1) or (2)(a) 6805
of this section or paid under division (E)(2)(b) of this section 6806
shall be in an amount specified by the board of not more than five 6807
thousand dollars and shall be deposited in accordance with section 6808
4731.24 of the Revised Code. 6809

Sec. 4772.11. (A) The supervising physician of a certified 6810
mental health assistant exercises supervision, control, and 6811
direction of the certified mental health assistant. A certified 6812
mental health assistant may practice in any setting within which 6813
the supervising physician has supervision, control, and direction 6814
of the certified mental health assistant. 6815

In supervising a certified mental health assistant, all of 6816
the following apply: 6817

(1)(a) Except as provided in division (A)(1)(b) of this 6818
section, the supervising physician shall be continuously available 6819
for direct communication with the certified mental health 6820
assistant by either of the following means: 6821

(i) Being physically present at the location where the 6822
certified mental health assistant is practicing; 6823

(ii) Being readily available to the certified mental health 6824
assistant through some means of telecommunication and being in a 6825
location that is a distance from the location where the certified 6826
mental health assistant is practicing that reasonably allows the 6827
physician to assure proper care of patients. 6828

(b) During the first five hundred hours of a certified mental 6829
health assistant's practice, the supervising physician shall be 6830
continuously available for direct communication with the certified 6831
mental health assistant only by being physically present at the 6832
location where the certified mental health assistant is 6833

practicing. This division does not require that the supervising physician be in the same room as the certified mental health assistant. 6834
6835
6836

(2) Prior to a certified mental health assistant providing services to a patient, the supervising physician must have evaluated the patient and diagnosed the patient with a diagnosis or condition found in the most recent edition of the diagnostic and statistical manual of mental disorders published by the American psychiatric association, or a similar publication if designated by the board. 6837
6838
6839
6840
6841
6842
6843

(3)(a) After the initial diagnosis, the supervising physician shall personally and actively review the certified mental health assistant's professional activities, on not less than a weekly basis. 6844
6845
6846
6847

(b)(i) Except as provided in division (A)(3)(b)(ii) of this section, the supervising physician must reevaluate the patient not less than every two years, and sooner if there is a significant change in the patient's condition or possible change in the patient's diagnosis. 6848
6849
6850
6851
6852

(ii) The supervising physician shall reevaluate a patient annually if the patient has been prescribed by a certified mental health assistant, in accordance with section 4772.13 of the Revised Code, a controlled substance related to a diagnosis or condition found in the most recent edition of the diagnostic and statistical manual of mental disorders published by the American psychiatric association, or a similar publication if designated by the board. 6853
6854
6855
6856
6857
6858
6859
6860

(4) The supervising physician shall ensure that the quality assurance system established pursuant to division (E) of this section is implemented and maintained. 6861
6862
6863

(5) The supervising physician shall regularly perform any other reviews of the certified mental health assistant that the supervising physician considers necessary. 6864
6865
6866

(B) A physician may enter into supervision agreements with any number of certified mental health assistants, but the physician may not supervise more than five certified mental health assistants at any one time. A certified mental health assistant may enter into supervision agreements with any number of supervising physicians. 6867
6868
6869
6870
6871
6872

(C) A supervising physician may authorize a certified mental health assistant to perform a service only if the physician is satisfied that the certified mental health assistant is capable of competently performing the service. A supervising physician shall not authorize a certified mental health assistant to perform any service that is beyond the physician's or the certified mental health assistant's normal course of practice and expertise. 6873
6874
6875
6876
6877
6878
6879

(D) Each time a certified mental health assistant writes a medical order, including prescriptions written in the exercise of physician-delegated prescriptive authority, the certified mental health assistant shall sign the form on which the order is written and record on the form the time and date that the order is written. 6880
6881
6882
6883
6884
6885

(E)(1) The supervising physician of a certified mental health assistant shall establish a quality assurance system to be used in supervising the certified mental health assistant. All or part of the system may be applied to other certified mental health assistants who are supervised by the supervising physician. The system shall be developed in consultation with each certified mental health assistant to be supervised by the physician. 6886
6887
6888
6889
6890
6891
6892

(2) In establishing the quality assurance system, the 6893

<u>supervising physician shall describe a process to be used for all</u>	6894
<u>of the following:</u>	6895
<u>(a) Routine review by the physician of selected patient</u>	6896
<u>record entries made by the certified mental health assistant and</u>	6897
<u>selected medical orders issued by the certified mental health</u>	6898
<u>assistant;</u>	6899
<u>(b) Discussion of complex cases;</u>	6900
<u>(c) Discussion of new medical developments relevant to the</u>	6901
<u>practice of the physician and certified mental health assistant;</u>	6902
<u>(d) Performance of any quality assurance activities required</u>	6903
<u>in rules adopted by the state medical board;</u>	6904
<u>(e) Performance of any other quality assurance activities</u>	6905
<u>that the supervising physician considers to be appropriate.</u>	6906
<u>(3) The supervising physician and certified mental health</u>	6907
<u>assistant shall keep records of their quality assurance</u>	6908
<u>activities. On request, the records shall be made available to the</u>	6909
<u>board.</u>	6910
<u>(F) When performing authorized services, a certified mental</u>	6911
<u>health assistant acts as the agent of the certified mental health</u>	6912
<u>assistant's supervising physician. The supervising physician is</u>	6913
<u>legally responsible and assumes legal liability for the services</u>	6914
<u>provided by the certified mental health assistant.</u>	6915
<u>The physician is not responsible or liable for any services</u>	6916
<u>provided by the certified mental health assistant after their</u>	6917
<u>supervision agreement expires or is terminated.</u>	6918
<u>Sec. 4772.12. (A) A license issued by the state medical board</u>	6919
<u>under section 4772.06 of the Revised Code authorizes the license</u>	6920
<u>holder to prescribe and personally furnish drugs and therapeutic</u>	6921

devices in the exercise of physician-delegated prescriptive authority. 6922
6923

(B) In exercising physician-delegated prescriptive authority, a certified mental health assistant is subject to section 4772.13 of the Revised Code and all of the following: 6924
6925
6926

(1) The certified mental health assistant shall exercise physician-delegated prescriptive authority only to the extent that the physician supervising the certified mental health assistant has granted that authority. 6927
6928
6929
6930

(2)(a) The certified mental health assistant shall comply with all conditions placed on the physician-delegated prescriptive authority, as specified by the supervising physician who is supervising the certified mental health assistant in the exercise of physician-delegated prescriptive authority. If conditions are placed on that authority, the supervising physician shall maintain a written record of the conditions and make the record available to the state medical board on request. 6931
6932
6933
6934
6935
6936
6937
6938

(b) The conditions that a supervising physician may place on the physician-delegated prescriptive authority granted to a certified mental health assistant include the following: 6939
6940
6941

(i) Identification by class and specific generic nomenclature of drugs and therapeutic devices that the physician chooses not to permit the certified mental health assistant to prescribe; 6942
6943
6944

(ii) Limitations on the dosage units or refills that the certified mental health assistant is authorized to prescribe; 6945
6946

(iii) Specification of circumstances under which the certified mental health assistant is required to refer patients to the supervising physician or another physician when exercising 6947
6948
6949

<u>physician-delegated prescriptive authority;</u>	6950
<u>(iv) Responsibilities to be fulfilled by the physician in supervising the certified mental health assistant that are not otherwise specified in the supervision agreement or otherwise required by this chapter.</u>	6951 6952 6953 6954
<u>(3) If the certified mental health assistant possesses physician-delegated prescriptive authority for controlled substances, both of the following apply:</u>	6955 6956 6957
<u>(a) The certified mental health assistant shall register with the federal drug enforcement administration.</u>	6958 6959
<u>(b) The certified mental health assistant shall comply with section 4772.13 of the Revised Code.</u>	6960 6961
<u>(4) If the certified mental health assistant possesses physician-delegated prescriptive authority to prescribe for a minor an opioid analgesic, as those terms are defined in sections 3719.01 and 3719.061 of the Revised Code, respectively, the certified mental health assistant shall comply with section 3719.061 of the Revised Code.</u>	6962 6963 6964 6965 6966 6967
<u>(C) A certified mental health assistant shall not prescribe any drug in violation of state or federal law.</u>	6968 6969
<u>Sec. 4772.13.</u> <u>(A) Subject to division (B) of this section, a certified mental health assistant may prescribe to a patient a controlled substance only if the controlled substance is one of the following:</u>	6970 6971 6972 6973
<u>(1) Buprenorphine, but only for a patient that is actively engaged in opioid use disorder treatment;</u>	6974 6975
<u>(2) A benzodiazepine, but only in the following circumstances:</u>	6976 6977

(a) For a patient diagnosed by the supervising physician as having a chronic anxiety disorder; 6978
6979

(b) For a patient with acute anxiety or agitation, but only in an amount indicated for a period not to exceed seven days. 6980
6981

(3) A stimulant that has been approved by the federal food and drug administration for the treatment of attention deficit hyperactivity disorder, but only if the supervising physician has diagnosed the patient with, or confirmed the patient's diagnosis of, attention deficit hyper activity disorder. 6982
6983
6984
6985
6986

(B) Except as provided in division (C) of this section, a certified mental health assistant licensed under this chapter who has been granted physician-delegated prescriptive authority by the physician supervising the certified mental health assistant shall comply with all of the following as conditions of prescribing a controlled substance identified in division (A) of this section as part of a patient's course of treatment for a particular condition: 6987
6988
6989
6990
6991
6992
6993
6994

(1) Before initially prescribing the drug, the certified mental health assistant or the certified mental health assistant's delegate shall request from the drug database a report of information related to the patient that covers at least the twelve months immediately preceding the date of the request. If the certified mental health assistant practices primarily in a county of this state that adjoins another state, the certified mental health assistant or delegate also shall request a report of any information available in the drug database that pertains to prescriptions issued or drugs furnished to the patient in the state adjoining that county. 6995
6996
6997
6998
6999
7000
7001
7002
7003
7004
7005

(2) If the patient's course of treatment for the condition continues for more than ninety days after the initial report is 7006
7007

requested, the certified mental health assistant or delegate shall 7008
make periodic requests for reports of information from the drug 7009
database until the course of treatment has ended. The requests 7010
shall be made at intervals not exceeding ninety days, determined 7011
according to the date the initial request was made. The request 7012
shall be made in the same manner provided in division (B)(1) of 7013
this section for requesting the initial report of information from 7014
the drug database. 7015

(3) On receipt of a report under division (B)(1) or (2) of 7016
this section, the certified mental health assistant shall assess 7017
the information in the report. The certified mental health 7018
assistant shall document in the patient's record that the report 7019
was received and the information was assessed. 7020

(C) Division (B) of this section does not apply in any of the 7021
following circumstances: 7022

(1) A drug database report regarding the patient is not 7023
available, in which case the certified mental health assistant 7024
shall document in the patient's record the reason that the report 7025
is not available. 7026

(2) The drug is prescribed in an amount indicated for a 7027
period not to exceed seven days. 7028

(3) The drug is prescribed to a hospice patient in a hospice 7029
care program, as those terms are defined in section 3712.01 of the 7030
Revised Code, or any other patient diagnosed as terminally ill. 7031

(4) The drug is prescribed for administration in a hospital, 7032
nursing home, or residential care facility. 7033

(5) If the state board of pharmacy no longer maintains the 7034
drug database. 7035

(D) The state medical board shall adopt rules in accordance 7036

with Chapter 119. of the Revised Code to implement this section, 7037
including both of the following: 7038

(1) Standards and procedures to be followed by a certified 7039
mental health assistant who has been granted physician-delegated 7040
prescriptive authority regarding the review of patient information 7041
available through the drug database under division (A)(5) of 7042
section 4729.80 of the Revised Code. 7043

The rules adopted under this division do not apply if the 7044
state board of pharmacy no longer maintains the drug database. 7045

(2) Standards and procedures to be followed by a certified 7046
mental health assistant in the use of buprenorphine for use in 7047
medication-assisted treatment, including regarding detoxification, 7048
relapse prevention, patient assessment, individual treatment 7049
planning, counseling and recovery supports, diversion control, and 7050
other topics selected by the board after considering best 7051
practices in medication-assisted treatment. 7052

The board may apply the rules to all circumstances in which a 7053
certified mental health assistant prescribes drugs for use in 7054
medication-assisted treatment or limit the application of the 7055
rules to prescriptions for medication-assisted treatment issued 7056
for patients being treated in office-based practices or other 7057
practice types or locations specified by the board. 7058

The rules adopted under this division shall be consistent 7059
with this chapter and, to the extent consistent with this chapter, 7060
rules adopted under sections 4723.51, 4730.55, and 4731.056 of the 7061
Revised Code. 7062

Sec. 4772.14. (A) A certified mental health assistant who has 7063
been granted physician-delegated prescriptive authority by the 7064
physician supervising the certified mental health assistant may 7065

personally furnish to a patient samples of drugs and therapeutic devices that are included in the certified mental health assistant's physician-delegated prescriptive authority, subject to all of the following: 7066
7067
7068
7069

(1) The amount of the sample furnished shall not exceed a seventy-two-hour supply, except when the minimum available quantity of the sample is packaged in an amount that is greater than a seventy-two-hour supply, in which case the certified mental health assistant may furnish the sample in the package amount. 7070
7071
7072
7073
7074

(2) No charge may be imposed for the sample or for furnishing it. 7075
7076

(3) Samples of controlled substances may not be personally furnished. 7077
7078

(B) A certified mental health assistant who has been granted physician-delegated prescriptive authority by the physician supervising the certified mental health assistant may personally furnish to a patient a complete or partial supply of the drugs and therapeutic devices that are included in the certified mental health assistant's physician-delegated prescriptive authority, subject to all of the following: 7079
7080
7081
7082
7083
7084
7085

(1) The certified mental health assistant shall not furnish the drugs and devices in locations other than the following: 7086
7087

(a) A health department operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code; 7088
7089
7090

(b) A federally funded comprehensive primary care clinic; 7091

(c) A nonprofit health care clinic or program; 7092

(d) An employer-based clinic that provides health care 7093

<u>services to the employer's employees.</u>	7094
<u>(2) The certified mental health assistant shall comply with all standards and procedures for personally furnishing supplies of drugs and devices, as established in rules adopted under this section.</u>	7095 7096 7097 7098
<u>(3) Complete or partial supplies of controlled substances may not be personally furnished.</u>	7099 7100
<u>(C) The state medical board shall adopt rules establishing standards and procedures to be followed by a certified mental health assistant in personally furnishing samples of drugs or complete or partial supplies of drugs to patients under this section. Rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.</u>	7101 7102 7103 7104 7105 7106
<u>Sec. 4772.15. (A) As used in this section, "community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.</u>	7107 7108 7109
<u>(B) A certified mental health assistant shall comply with section 3719.064 of the Revised Code and rules adopted under section 4772.13 of the Revised Code when treating a patient with medication-assisted treatment or proposing to initiate such treatment.</u>	7110 7111 7112 7113 7114
<u>(C) A certified mental health assistant who fails to comply with this section shall treat not more than thirty patients at any one time with medication-assisted treatment even if the facility or location at which the treatment is provided is either of the following:</u>	7115 7116 7117 7118 7119
<u>(1) Exempted by divisions (B)(2)(a) to (d) or (i) of section 4729.553 of the Revised Code from being required to possess a</u>	7120 7121

<u>category III terminal distributor of dangerous drugs license with</u>	7122
<u>an office-based opioid treatment classification;</u>	7123
<u>(2) A community addiction services provider that provides</u>	7124
<u>alcohol and drug addiction services that are certified by the</u>	7125
<u>department of mental health and addiction services under section</u>	7126
<u>5119.36 of the Revised Code.</u>	7127
<u>Sec. 4772.19. (A) The state medical board shall adopt rules</u>	7128
<u>in accordance with Chapter 119. of the Revised Code to implement</u>	7129
<u>and administer this chapter.</u>	7130
<u>(B) The rules adopted under this section shall include all of</u>	7131
<u>the following:</u>	7132
<u>(1) Standards and procedures for issuing and renewing</u>	7133
<u>licenses to practice as a certified mental health assistant;</u>	7134
<u>(2) Application fees for an initial or renewed license;</u>	7135
<u>(3) Any additional services that certified mental health</u>	7136
<u>assistants may perform pursuant to division (C)(7) of section</u>	7137
<u>4772.09 of the Revised Code;</u>	7138
<u>(4) Rules governing physician-delegated prescriptive</u>	7139
<u>authority for certified mental health assistants;</u>	7140
<u>(5) Any other standards and procedures the board considers</u>	7141
<u>necessary to govern the practice of certified mental health</u>	7142
<u>assistants, the supervisory relationship between certified mental</u>	7143
<u>health assistants and supervising physicians, and the</u>	7144
<u>administration and enforcement of this chapter.</u>	7145
<u>Sec. 4772.20. (A) The state medical board, by an affirmative</u>	7146
<u>vote of not fewer than six members, may revoke or may refuse to</u>	7147
<u>grant a license to practice as a certified mental health assistant</u>	7148

to an individual found by the board to have committed fraud, 7149
misrepresentation, or deception in applying for or securing the 7150
license. 7151

(B) The board, by an affirmative vote of not fewer than six 7152
members, shall, except as provided in division (C) of this 7153
section, and to the extent permitted by law, limit, revoke, or 7154
suspend an individual's license to practice as a certified mental 7155
health assistant, refuse to issue a license to an applicant, 7156
refuse to renew a license, refuse to reinstate a license, or 7157
reprimand or place on probation the holder of a license for any of 7158
the following reasons: 7159

(1) Permitting the holder's name or license to be used by 7160
another person; 7161

(2) Failure to comply with the requirements of this chapter, 7162
Chapter 4731. of the Revised Code, or any rules adopted by the 7163
board; 7164

(3) Violating or attempting to violate, directly or 7165
indirectly, or assisting in or abetting the violation of, or 7166
conspiring to violate, any provision of this chapter, Chapter 7167
4731. of the Revised Code, or the rules adopted by the board; 7168

(4) A departure from, or failure to conform to, minimal 7169
standards of care of similar practitioners under the same or 7170
similar circumstances whether or not actual injury to the patient 7171
is established; 7172

(5) Inability to practice according to acceptable and 7173
prevailing standards of care by reason of mental illness or 7174
physical illness, including physical deterioration that adversely 7175
affects cognitive, motor, or perceptive skills; 7176

<u>(6) Impairment of ability to practice according to acceptable</u>	7177
<u>and prevailing standards of care because of habitual or excessive</u>	7178
<u>use or abuse of drugs, alcohol, or other substances that impair</u>	7179
<u>ability to practice;</u>	7180
<u>(7) Willfully betraying a professional confidence;</u>	7181
<u>(8) Making a false, fraudulent, deceptive, or misleading</u>	7182
<u>statement in securing or attempting to secure a license to</u>	7183
<u>practice as a certified mental health assistant.</u>	7184
<u>As used in this division, "false, fraudulent, deceptive, or</u>	7185
<u>misleading statement" means a statement that includes a</u>	7186
<u>misrepresentation of fact, is likely to mislead or deceive because</u>	7187
<u>of a failure to disclose material facts, is intended or is likely</u>	7188
<u>to create false or unjustified expectations of favorable results,</u>	7189
<u>or includes representations or implications that in reasonable</u>	7190
<u>probability will cause an ordinarily prudent person to</u>	7191
<u>misunderstand or be deceived.</u>	7192
<u>(9) The obtaining of, or attempting to obtain, money or a</u>	7193
<u>thing of value by fraudulent misrepresentations in the course of</u>	7194
<u>practice;</u>	7195
<u>(10) A plea of guilty to, a judicial finding of guilt of, or</u>	7196
<u>a judicial finding of eligibility for intervention in lieu of</u>	7197
<u>conviction for, a felony;</u>	7198
<u>(11) Commission of an act that constitutes a felony in this</u>	7199
<u>state, regardless of the jurisdiction in which the act was</u>	7200
<u>committed;</u>	7201
<u>(12) A plea of guilty to, a judicial finding of guilt of, or</u>	7202
<u>a judicial finding of eligibility for intervention in lieu of</u>	7203
<u>conviction for, a misdemeanor committed in the course of practice;</u>	7204
<u>(13) A plea of guilty to, a judicial finding of guilt of, or</u>	7205

<u>a judicial finding of eligibility for intervention in lieu of</u>	7206
<u>conviction for, a misdemeanor involving moral turpitude;</u>	7207
<u>(14) Commission of an act in the course of practice that</u>	7208
<u>constitutes a misdemeanor in this state, regardless of the</u>	7209
<u>jurisdiction in which the act was committed;</u>	7210
<u>(15) Commission of an act involving moral turpitude that</u>	7211
<u>constitutes a misdemeanor in this state, regardless of the</u>	7212
<u>jurisdiction in which the act was committed;</u>	7213
<u>(16) A plea of guilty to, a judicial finding of guilt of, or</u>	7214
<u>a judicial finding of eligibility for intervention in lieu of</u>	7215
<u>conviction for violating any state or federal law regulating the</u>	7216
<u>possession, distribution, or use of any drug, including</u>	7217
<u>trafficking in drugs;</u>	7218
<u>(17) Any of the following actions taken by the state agency</u>	7219
<u>responsible for regulating the practice of certified mental health</u>	7220
<u>assistants in another jurisdiction, for any reason other than the</u>	7221
<u>nonpayment of fees: the limitation, revocation, or suspension of</u>	7222
<u>an individual's license to practice; acceptance of an individual's</u>	7223
<u>license surrender; denial of a license; refusal to renew or</u>	7224
<u>reinstate a license; imposition of probation; or issuance of an</u>	7225
<u>order of censure or other reprimand;</u>	7226
<u>(18) Violation of the conditions placed by the board on a</u>	7227
<u>license to practice as a certified mental health assistant;</u>	7228
<u>(19) Failure to use universal blood and body fluid</u>	7229
<u>precautions established by rules adopted under section 4731.051 of</u>	7230
<u>the Revised Code;</u>	7231
<u>(20) Failure to cooperate in an investigation conducted by</u>	7232
<u>the board under section 4772.21 of the Revised Code, including</u>	7233
<u>failure to comply with a subpoena or order issued by the board or</u>	7234

failure to answer truthfully a question presented by the board at 7235
a deposition or in written interrogatories, except that failure to 7236
cooperate with an investigation shall not constitute grounds for 7237
discipline under this section if a court of competent jurisdiction 7238
has issued an order that either quashes a subpoena or permits the 7239
individual to withhold the testimony or evidence in issue; 7240

(21) Failure to practice in accordance with the supervising 7241
physician's supervision agreement with the certified mental health 7242
assistant; 7243

(22) Administering drugs for purposes other than those 7244
authorized under this chapter; 7245

(23) Failure to comply with section 4772.13 of the Revised 7246
Code, unless the board no longer maintains a drug database 7247
pursuant to section 4729.75 of the Revised Code; 7248

(24) Assisting suicide, as defined in section 3795.01 of the 7249
Revised Code. 7250

(C) The board shall not refuse to issue a license to an 7251
applicant because of a plea of guilty to, a judicial finding of 7252
guilt of, or a judicial finding of eligibility for intervention in 7253
lieu of conviction for an offense unless the refusal is in 7254
accordance with section 9.79 of the Revised Code. 7255

(D) Disciplinary actions taken by the board under divisions 7256
(A) and (B) of this section shall be taken pursuant to an 7257
adjudication under Chapter 119. of the Revised Code, except that 7258
in lieu of an adjudication, the board may enter into a consent 7259
agreement with a certified mental health assistant or applicant to 7260
resolve an allegation of a violation of this chapter or any rule 7261
adopted under it. A consent agreement, when ratified by an 7262
affirmative vote of not fewer than six members of the board, shall 7263

constitute the findings and order of the board with respect to the 7264
matter addressed in the agreement. If the board refuses to ratify 7265
a consent agreement, the admissions and findings contained in the 7266
consent agreement shall be of no force or effect. 7267

(E) For purposes of divisions (B)(11), (14), and (15) of this 7268
section, the commission of the act may be established by a finding 7269
by the board, pursuant to an adjudication under Chapter 119. of 7270
the Revised Code, that the applicant or license holder committed 7271
the act in question. The board shall have no jurisdiction under 7272
these divisions in cases where the trial court renders a final 7273
judgment in the license holder's favor and that judgment is based 7274
upon an adjudication on the merits. The board shall have 7275
jurisdiction under these divisions in cases where the trial court 7276
issues an order of dismissal on technical or procedural grounds. 7277

(F) The sealing or expungement of conviction records by any 7278
court shall have no effect on a prior board order entered under 7279
the provisions of this section or on the board's jurisdiction to 7280
take action under the provisions of this section if, based upon a 7281
plea of guilty, a judicial finding of guilt, or a judicial finding 7282
of eligibility for intervention in lieu of conviction, the board 7283
issued a notice of opportunity for a hearing prior to the court's 7284
order to seal or expunge the records. The board shall not be 7285
required to seal, destroy, redact, or otherwise modify its records 7286
to reflect the court's sealing or expungement of conviction 7287
records. 7288

(G) For purposes of this division, any individual who holds a 7289
license to practice as a certified mental health assistant issued 7290
under this chapter, or applies for a license, shall be deemed to 7291
have given consent to submit to a mental or physical examination 7292
when directed to do so in writing by the board and to have waived 7293

all objections to the admissibility of testimony or examination reports that constitute a privileged communication. 7294
7295

(1) In enforcing division (B)(5) of this section, the board, on a showing of a possible violation, may compel any individual who holds a license to practice as a certified mental health assistant issued under this chapter or who has applied for a license to submit to a mental or physical examination, or both. A physical examination may include an HIV test. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds a certified mental health assistant unable to practice because of the reasons set forth in division (B)(5) of this section, the board shall require the certified mental health assistant to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for an initial, continued, reinstated, or renewed license. An individual affected by this division shall be afforded an opportunity to demonstrate to the board the ability to resume practicing in compliance with acceptable and prevailing standards of care. 7296
7297
7298
7299
7300
7301
7302
7303
7304
7305
7306
7307
7308
7309
7310
7311
7312
7313
7314
7315
7316
7317

(2) For purposes of division (B)(6) of this section, if the board has reason to believe that any individual who holds a license to practice as a certified mental health assistant issued under this chapter or any applicant for a license suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to 7318
7319
7320
7321
7322
7323
7324

be examined. Any mental or physical examination required under 7325
this division shall be undertaken by a treatment provider or 7326
physician qualified to conduct such examination and chosen by the 7327
board. 7328

Failure to submit to a mental or physical examination ordered 7329
by the board constitutes an admission of the allegations against 7330
the individual unless the failure is due to circumstances beyond 7331
the individual's control, and a default and final order may be 7332
entered without the taking of testimony or presentation of 7333
evidence. If the board determines that the individual's ability to 7334
practice is impaired, the board shall suspend the individual's 7335
license or deny the individual's application and shall require the 7336
individual, as a condition for an initial, continued, reinstated, 7337
or renewed license to practice, to submit to treatment. 7338

Before being eligible to apply for reinstatement of a license 7339
suspended under this division, the certified mental health 7340
assistant shall demonstrate to the board the ability to resume 7341
practice in compliance with acceptable and prevailing standards of 7342
care. The demonstration shall include the following: 7343

(a) Certification from a treatment provider approved under 7344
section 4731.25 of the Revised Code that the individual has 7345
successfully completed any required inpatient treatment; 7346

(b) Evidence of continuing full compliance with an aftercare 7347
contract or consent agreement; 7348

(c) Two written reports indicating that the individual's 7349
ability to practice has been assessed and that the individual has 7350
been found capable of practicing according to acceptable and 7351
prevailing standards of care. The reports shall be made by 7352
individuals or providers approved by the board for making such 7353
assessments and shall describe the basis for their determination. 7354

The board may reinstate a license suspended under this 7355
division after such demonstration and after the individual has 7356
entered into a written consent agreement. 7357

When the impaired certified mental health assistant resumes 7358
practice, the board shall require continued monitoring of the 7359
certified mental health assistant. The monitoring shall include 7360
monitoring of compliance with the written consent agreement 7361
entered into before reinstatement or with conditions imposed by 7362
board order after a hearing, and, on termination of the consent 7363
agreement, submission to the board for at least two years of 7364
annual written progress reports made under penalty of 7365
falsification stating whether the certified mental health 7366
assistant has maintained sobriety. 7367

(H) If the secretary and supervising member determine that 7368
there is clear and convincing evidence that a certified mental 7369
health assistant has violated division (B) of this section and 7370
that the individual's continued practice presents a danger of 7371
immediate and serious harm to the public, they may recommend that 7372
the board suspend the individual's license to practice without a 7373
prior hearing. Written allegations shall be prepared for 7374
consideration by the board. 7375

The board, on review of the allegations and by an affirmative 7376
vote of not fewer than six of its members, excluding the secretary 7377
and supervising member, may suspend a license without a prior 7378
hearing. A telephone conference call may be utilized for reviewing 7379
the allegations and taking the vote on the summary suspension. 7380

The board shall issue a written order of suspension by 7381
certified mail or in person in accordance with section 119.07 of 7382
the Revised Code. The order shall not be subject to suspension by 7383
the court during pendency of any appeal filed under section 119.12 7384

of the Revised Code. If the certified mental health assistant requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the certified mental health assistant requests the hearing, unless otherwise agreed to by both the board and the license holder.

A summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. Failure to issue the order within sixty days shall result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(I) If the board takes action under division (B)(10), (12), or (13) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, on exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. On receipt of a petition and supporting court documents, the board shall reinstate the license to practice as a certified mental health assistant. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of opportunity for hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act, or if no hearing is requested, it may order any of the sanctions specified in division (B) of this section.

(J) The license to practice of a certified mental health assistant and the assistant's practice in this state are automatically suspended as of the date the certified mental health assistant pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment of intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after the suspension shall be considered practicing without a license.

The board shall notify the individual subject to the suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If an individual whose license is suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's license.

(K) In any instance in which the board is required by Chapter 119. of the Revised Code to give notice of opportunity for hearing and the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(L) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the certified mental health assistant's license may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing conditions to be imposed for reinstatement. Reinstatement of a license suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(M) When the board refuses to grant or issue a license to practice as a certified mental health assistant to an applicant, revokes an individual's license, refuses to renew an individual's license, or refuses to reinstate an individual's license, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license to practice as a certified mental health assistant and the board shall not accept an application for reinstatement of the license or for issuance of a new license.

(N) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a license to practice as a certified mental health assistant issued under this chapter is not effective unless or until accepted by the board. Reinstatement of a license surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application made under this chapter for a license to practice may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license to practice in accordance with section 4772.08 of the Revised Code shall not

remove or limit the board's jurisdiction to take disciplinary 7475
action under this section against the individual. 7476

Sec. 4772.201. On receipt of a notice pursuant to section 7477
3123.43 of the Revised Code, the state medical board shall comply 7478
with sections 3123.41 to 3123.50 of the Revised Code and any 7479
applicable rules adopted under section 3123.63 of the Revised Code 7480
with respect to a license to practice as a certified mental health 7481
assistant issued under this chapter. 7482

Sec. 4772.202. If the state medical board has reason to 7483
believe that any person who has been granted a license to practice 7484
as a certified mental health assistant under this chapter is 7485
mentally ill or mentally incompetent, it may file in the probate 7486
court of the county in which the person has a legal residence an 7487
affidavit in the form prescribed in section 5122.11 of the Revised 7488
Code and signed by the board secretary or a member of the board 7489
secretary's staff, whereupon the same proceedings shall be had as 7490
provided in Chapter 5122. of the Revised Code. The attorney 7491
general may represent the board in any proceeding commenced under 7492
this section. 7493

If any person who has been granted a license is adjudged by a 7494
probate court to be mentally ill or mentally incompetent, the 7495
person's license shall be automatically suspended until the person 7496
has filed with the state medical board a certified copy of an 7497
adjudication by a probate court of the person's subsequent 7498
restoration to competency or has submitted to the board proof, 7499
satisfactory to the board, that the person has been discharged as 7500
having a restoration to competency in the manner and form provided 7501
in section 5122.38 of the Revised Code. The judge of the probate 7502
court shall forthwith notify the state medical board of an 7503

adjudication of mental illness or mental incompetence, and shall 7504
note any suspension of a license in the margin of the court's 7505
record of such license. 7506

Sec. 4772.203. (A)(1) If a certified mental health assistant 7507
violates any section of this chapter or any rule adopted under 7508
this chapter, the state medical board may, pursuant to an 7509
adjudication under Chapter 119. of the Revised Code and an 7510
affirmative vote of not fewer than six of its members, impose a 7511
civil penalty. The amount of the civil penalty shall be determined 7512
by the board in accordance with the guidelines adopted under 7513
division (A)(2) of this section. The civil penalty may be in 7514
addition to any other action the board may take under section 7515
4772.20 of the Revised Code. 7516

(2) The board shall adopt and may amend guidelines regarding 7517
the amounts of civil penalties to be imposed under this section. 7518
Adoption or amendment of the guidelines requires the approval of 7519
not fewer than six board members. 7520

Under the guidelines, no civil penalty amount shall exceed 7521
twenty thousand dollars. 7522

(B) Amounts received from payment of civil penalties imposed 7523
under this section shall be deposited by the board in accordance 7524
with section 4731.24 of the Revised Code. Amounts received from 7525
payment of civil penalties imposed for violations of division 7526
(B)(6) of section 4772.20 of the Revised Code shall be used by the 7527
board solely for investigations, enforcement, and compliance 7528
monitoring. 7529

Sec. 4772.21. (A) The state medical board shall investigate 7530
evidence that appears to show that any person has violated this 7531

chapter or the rules adopted under it. Any person may report to 7532
the board in a signed writing any information the person has that 7533
appears to show a violation of any provision of this chapter or 7534
the rules adopted under it. In the absence of bad faith, a person 7535
who reports such information or testifies before the board in an 7536
adjudication conducted under Chapter 119. of the Revised Code 7537
shall not be liable for civil damages as a result of reporting the 7538
information or providing testimony. Each complaint or allegation 7539
of a violation received by the board shall be assigned a case 7540
number and be recorded by the board. 7541

(B) Investigations of alleged violations of this chapter or 7542
rules adopted under it shall be supervised by the supervising 7543
member elected by the board in accordance with section 4731.02 of 7544
the Revised Code and by the secretary as provided in section 7545
4772.24 of the Revised Code. The board's president may designate 7546
another member of the board to supervise the investigation in 7547
place of the supervising member. A member of the board who 7548
supervises the investigation of a case shall not participate in 7549
further adjudication of the case. 7550

(C) In investigating a possible violation of this chapter or 7551
the rules adopted under it, the board may administer oaths, order 7552
the taking of depositions, issue subpoenas, and compel the 7553
attendance of witnesses and production of books, accounts, papers, 7554
records, documents, and testimony, except that a subpoena for 7555
patient record information shall not be issued without 7556
consultation with the attorney general's office and approval of 7557
the secretary and supervising member of the board. Before issuance 7558
of a subpoena for patient record information, the secretary and 7559
supervising member shall determine whether there is probable cause 7560
to believe that the complaint filed alleges a violation of this 7561

chapter or the rules adopted under it and that the records sought 7562
are relevant to the alleged violation and material to the 7563
investigation. The subpoena may apply only to records that cover a 7564
reasonable period of time surrounding the alleged violation. 7565

On failure to comply with any subpoena issued by the board 7566
and after reasonable notice to the person being subpoenaed, the 7567
board may move for an order compelling the production of persons 7568
or records pursuant to the Rules of Civil Procedure. 7569

A subpoena issued by the board may be served by a sheriff, 7570
the sheriff's deputy, or a board employee designated by the board. 7571
Service of a subpoena issued by the board may be made by 7572
delivering a copy of the subpoena to the person named therein, 7573
reading it to the person, or leaving it at the person's usual 7574
place of residence. When the person being served is a certified 7575
mental health assistant, service of the subpoena may be made by 7576
certified mail, restricted delivery, return receipt requested, and 7577
the subpoena shall be deemed served on the date delivery is made 7578
or the date the person refuses to accept delivery. 7579

A sheriff's deputy who serves a subpoena shall receive the 7580
same fees as a sheriff. Each witness who appears before the board 7581
in obedience to a subpoena shall receive the fees and mileage 7582
provided for witnesses in civil cases in the courts of common 7583
pleas. 7584

(D) All hearings and investigations of the board shall be 7585
considered civil actions for the purposes of section 2305.252 of 7586
the Revised Code. 7587

(E) Information received by the board pursuant to an 7588
investigation is confidential and not subject to discovery in any 7589
civil action. 7590

The board shall conduct all investigations and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants unless proper consent is given.

The board may share any information it receives pursuant to an investigation, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as those with which the state medical board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state medical board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

(F) On a quarterly basis, the board shall prepare a report that documents the disposition of all cases during the preceding three months. The report shall contain the following information for each case with which the board has completed its activities:

(1) The case number assigned to the complaint or alleged violation; 7621
7622

(2) The type of license, if any, held by the individual against whom the complaint is directed; 7623
7624

(3) A description of the allegations contained in the complaint; 7625
7626

(4) The disposition of the case. 7627

The report shall state how many cases are still pending, and shall be prepared in a manner that protects the identity of each person involved in each case. The report is a public record for purposes of section 149.43 of the Revised Code. 7628
7629
7630
7631

Sec. 4772.22. (A) As used in this section, "prosecutor" has the same meaning as in section 2935.01 of the Revised Code. 7632
7633

(B) Whenever any person holding a valid license to practice as a certified mental health assistant issued under this chapter pleads guilty to, is subject to a judicial finding of guilt of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction for a violation of Chapter 2907., 2925., or 3719. of the Revised Code or of any substantively comparable ordinance of a municipal corporation in connection with the person's practice, the prosecutor in the case, on forms prescribed and provided by the state medical board, shall promptly notify the board of the conviction. Within thirty days of receipt of that information, the board shall initiate action in accordance with Chapter 119. of the Revised Code to determine whether to suspend or revoke the license under section 4772.20 of the Revised Code. 7634
7635
7636
7637
7638
7639
7640
7641
7642
7643
7644
7645
7646

(C) The prosecutor in any case against any person holding a valid license issued under this chapter, on forms prescribed and 7647
7648

provided by the state medical board, shall notify the board of any 7649
of the following: 7650

(1) A plea of guilty to, a finding of guilt by a jury or 7651
court of, or judicial finding of eligibility for intervention in 7652
lieu of conviction for a felony, or a case in which the trial 7653
court issues an order of dismissal upon technical or procedural 7654
grounds of a felony charge; 7655

(2) A plea of guilty to, a finding of guilt by a jury or 7656
court of, or judicial finding of eligibility for intervention in 7657
lieu of conviction for a misdemeanor committed in the course of 7658
practice, or a case in which the trial court issues an order of 7659
dismissal upon technical or procedural grounds of a charge of a 7660
misdemeanor, if the alleged act was committed in the course of 7661
practice; 7662

(3) A plea of guilty to, a finding of guilt by a jury or 7663
court of, or judicial finding of eligibility for intervention in 7664
lieu of conviction for a misdemeanor involving moral turpitude, or 7665
a case in which the trial court issues an order of dismissal upon 7666
technical or procedural grounds of a charge of a misdemeanor 7667
involving moral turpitude. 7668

The report shall include the name and address of the license 7669
holder, the nature of the offense for which the action was taken, 7670
and the certified court documents recording the action. 7671

Sec. 4772.23. (A) Within sixty days after the imposition of 7672
any formal disciplinary action taken by any health care facility, 7673
including a hospital, health care facility operated by a health 7674
insuring corporation, ambulatory surgical facility, or similar 7675
facility, against any individual holding a valid license to 7676
practice as a certified mental health assistant, the chief 7677

administrator or executive officer of the facility shall report to 7678
the state medical board the name of the individual, the action 7679
taken by the facility, and a summary of the underlying facts 7680
leading to the action taken. On request, the board shall be 7681
provided certified copies of the patient records that were the 7682
basis for the facility's action. Prior to release to the board, 7683
the summary shall be approved by the peer review committee that 7684
reviewed the case or by the governing board of the facility. 7685

The filing of a report with the board or decision not to file 7686
a report, investigation by the board, or any disciplinary action 7687
taken by the board, does not preclude a health care facility from 7688
taking disciplinary action against a certified mental health 7689
assistant. 7690

In the absence of fraud or bad faith, no individual or entity 7691
that provides patient records to the board shall be liable in 7692
damages to any person as a result of providing the records. 7693

(B)(1) Except as provided in division (B)(2) of this section, 7694
a certified mental health assistant, professional association or 7695
society of certified mental health assistants, physician, or 7696
professional association or society of physicians that believes a 7697
violation of any provision of this chapter, Chapter 4731. of the 7698
Revised Code, or rule of the board has occurred shall report to 7699
the board the information on which the belief is based. 7700

(2) A certified mental health assistant, professional 7701
association or society of certified mental health assistants, 7702
physician, or professional association or society of physicians 7703
that believes a violation of division (B)(6) of section 4772.20 of 7704
the Revised Code has occurred shall report the information upon 7705
which the belief is based to the monitoring organization 7706

conducting the program established by the board under section 7707
4731.251 of the Revised Code. If any such report is made to the 7708
board, it shall be referred to the monitoring organization unless 7709
the board is aware that the individual who is the subject of the 7710
report does not meet the program eligibility requirements of 7711
section 4731.252 of the Revised Code. 7712

(C) Any professional association or society composed 7713
primarily of certified mental health assistants that suspends or 7714
revokes an individual's membership for violations of professional 7715
ethics, or for reasons of professional incompetence or 7716
professional malpractice, within sixty days after a final 7717
decision, shall report to the board, on forms prescribed and 7718
provided by the board, the name of the individual, the action 7719
taken by the professional organization, and a summary of the 7720
underlying facts leading to the action taken. 7721

The filing of a report with the board or decision not to file 7722
a report, investigation by the board, or any disciplinary action 7723
taken by the board, does not preclude a professional organization 7724
from taking disciplinary action against a certified mental health 7725
assistant. 7726

(D) Any insurer providing professional liability insurance to 7727
any person holding a valid license to practice as a certified 7728
mental health assistant or any other entity that seeks to 7729
indemnify the professional liability of a certified mental health 7730
assistant shall notify the board within thirty days after the 7731
final disposition of any written claim for damages where such 7732
disposition results in a payment exceeding twenty-five thousand 7733
dollars. The notice shall contain the following information: 7734

(1) The name and address of the person submitting the 7735
notification; 7736

<u>(2) The name and address of the insured who is the subject of the claim;</u>	7737 7738
<u>(3) The name of the person filing the written claim;</u>	7739
<u>(4) The date of final disposition;</u>	7740
<u>(5) If applicable, the identity of the court in which the final disposition of the claim took place.</u>	7741 7742
<u>(E) The board may investigate possible violations of this chapter or the rules adopted under it that are brought to its attention as a result of the reporting requirements of this section, except that the board shall conduct an investigation if a possible violation involves repeated malpractice. As used in this division, "repeated malpractice" means three or more claims for malpractice within the previous five-year period, each resulting in a judgment or settlement in excess of twenty-five thousand dollars in favor of the claimant, and each involving negligent conduct by the certified mental health assistant.</u>	7743 7744 7745 7746 7747 7748 7749 7750 7751 7752
<u>(F) All summaries, reports, and records received and maintained by the board pursuant to this section shall be held in confidence and shall not be subject to discovery or introduction in evidence in any federal or state civil action involving a certified mental health assistant, supervising physician, or health care facility arising out of matters that are the subject of the reporting required by this section. The board may use the information obtained only as the basis for an investigation, as evidence in a disciplinary hearing against a certified mental health assistant or supervising physician, or in any subsequent trial or appeal of a board action or order.</u>	7753 7754 7755 7756 7757 7758 7759 7760 7761 7762 7763
<u>The board may disclose the summaries and reports it receives under this section only to health care facility committees within</u>	7764 7765

or outside this state that are involved in credentialing or 7766
recredentialing a certified mental health assistant or supervising 7767
physician, if applicable, or reviewing their privilege to practice 7768
within a particular facility. The board shall indicate whether or 7769
not the information has been verified. Information transmitted by 7770
the board shall be subject to the same confidentiality provisions 7771
as when maintained by the board. 7772

(G) Except for reports filed by an individual pursuant to 7773
division (B) of this section, the board shall send a copy of any 7774
reports or summaries it receives pursuant to this section to the 7775
certified mental health assistant. The certified mental health 7776
assistant shall have the right to file a statement with the board 7777
concerning the correctness or relevance of the information. The 7778
statement shall at all times accompany that part of the record in 7779
contention. 7780

(H) An individual or entity that reports to the board, 7781
reports to the monitoring organization described in section 7782
4731.251 of the Revised Code, or refers an impaired certified 7783
mental health assistant to a treatment provider approved by the 7784
board under section 4731.25 of the Revised Code shall not be 7785
subject to suit for civil damages as a result of the report, 7786
referral, or provision of the information. 7787

(I) In the absence of fraud or bad faith, a professional 7788
association or society of certified mental health assistants that 7789
sponsors a committee or program to provide peer assistance to a 7790
certified mental health assistant with substance abuse problems, a 7791
representative or agent of such a committee or program, a 7792
representative or agent of the monitoring organization described 7793
in section 4731.251 of the Revised Code, and a member of the state 7794
medical board shall not be held liable in damages to any person by 7795

reason of actions taken to refer a certified mental health 7796
assistant to a treatment provider approved under section 4731.25 7797
of the Revised Code for examination or treatment. 7798

Sec. 4772.24. The secretary of the state medical board shall 7799
enforce the laws relating to the practice of certified mental 7800
health assistants. If the secretary has knowledge or notice of a 7801
violation of this chapter or the rules adopted under it, the 7802
secretary shall investigate the matter, and, upon probable cause 7803
appearing, file a complaint and prosecute the offender. When 7804
requested by the secretary, the prosecuting attorney of the proper 7805
county shall take charge of and conduct the prosecution. 7806

Sec. 4772.25. The attorney general, the prosecuting attorney 7807
of any county in which the offense was committed or the offender 7808
resides, the state medical board, or any other person having 7809
knowledge of a person engaged either directly or by complicity in 7810
practicing as a certified mental health assistant without having 7811
first obtained under this chapter a license to practice as a 7812
certified mental health assistant, may, in accordance with 7813
provisions of the Revised Code governing injunctions, maintain an 7814
action in the name of the state to enjoin any person from engaging 7815
either directly or by complicity in unlawfully practicing as a 7816
certified mental health assistant by applying for an injunction in 7817
any court of competent jurisdiction. 7818

Prior to application for an injunction, the secretary of the 7819
state medical board shall notify the person allegedly engaged 7820
either directly or by complicity in the unlawful practice by 7821
registered mail that the secretary has received information 7822
indicating that this person is so engaged. The person shall answer 7823
the secretary within thirty days showing that the person is either 7824

properly licensed for the stated activity or that the person is 7825
not in violation of this chapter. If the answer is not forthcoming 7826
within thirty days after notice by the secretary, the secretary 7827
shall request that the attorney general, the prosecuting attorney 7828
of the county in which the offense was committed or the offender 7829
resides, or the state medical board proceed as authorized in this 7830
section. 7831

Upon the filing of a verified petition in court, the court 7832
shall conduct a hearing on the petition and shall give the same 7833
preference to this proceeding as is given all proceedings under 7834
Chapter 119. of the Revised Code, irrespective of the position of 7835
the proceeding on the calendar of the court. 7836

Injunction proceedings shall be in addition to, and not in 7837
lieu of, all penalties and other remedies provided in this 7838
chapter. 7839

Sec. 4772.26. The state medical board, subject to the 7840
approval of the controlling board, may establish fees in excess of 7841
the amounts specified in this chapter, except that the fees may 7842
not exceed the specified amounts by more than fifty per cent. 7843

All fees, penalties, and other funds received by the board 7844
under this chapter shall be deposited in accordance with section 7845
4731.24 of the Revised Code. 7846

Sec. 4772.27. In the absence of fraud or bad faith, the state 7847
medical board, a current or former board member, an agent of the 7848
board, a person formally requested by the board to be the board's 7849
representative, or an employee of the board shall not be held 7850
liable in damages to any person as the result of any act, 7851
omission, proceeding, conduct, or decision related to official 7852

duties undertaken or performed pursuant to this chapter. If any 7853
such person asks to be defended by the state against any claim or 7854
action arising out of any act, omission, proceeding, conduct, or 7855
decision related to the person's official duties, and if the 7856
request is made in writing at a reasonable time before trial and 7857
the person requesting defense cooperates in good faith in the 7858
defense of the claim or action, the state shall provide and pay 7859
for the person's defense and shall pay any resulting judgment, 7860
compromise, or settlement. At no time shall the state pay any part 7861
of a claim or judgment that is for punitive or exemplary damages. 7862

Sec. 4772.28. The state medical board shall comply with 7863
section 4776.20 of the Revised Code. 7864

Sec. 4772.99. (A) Whoever violates section 4772.02 of the 7865
Revised Code is guilty of a misdemeanor of the first degree on a 7866
first offense; on each subsequent offense, the person is guilty of 7867
a felony of the fourth degree. 7868

(B) Whoever violates division (A), (B), (C), or (D) of 7869
section 4772.23 of the Revised Code is guilty of a minor 7870
misdemeanor on a first offense; on each subsequent offense the 7871
person is guilty of a misdemeanor of the fourth degree, except 7872
that an individual guilty of a subsequent offense shall not be 7873
subject to imprisonment, but to a fine alone of up to one thousand 7874
dollars for each offense. 7875

Sec. 4776.01. As used in this chapter: 7876

(A) "License" means an authorization evidenced by a license, 7877
certificate, registration, permit, card, or other authority that 7878
is issued or conferred by a licensing agency to a licensee or to 7879

an applicant for an initial license by which the licensee or
 initial license applicant has or claims the privilege to engage in
 a profession, occupation, or occupational activity, or, except in
 the case of the state dental board, to have control of and operate
 certain specific equipment, machinery, or premises, over which the
 licensing agency has jurisdiction.

(B) Except as provided in section 4776.20 of the Revised
 Code, "licensee" means the person to whom the license is issued by
 a licensing agency. "Licensee" includes a person who, for purposes
 of section 3796.13 of the Revised Code, has complied with sections
 4776.01 to 4776.04 of the Revised Code and has been determined by
 the department of commerce or state board of pharmacy, as the
 applicable licensing agency, to meet the requirements for
 employment.

(C) Except as provided in section 4776.20 of the Revised
 Code, "licensing agency" means any of the following:

(1) The board authorized by Chapters 4701., 4717., 4725.,
 4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751.,
 4753., 4755., 4757., 4759., 4760., 4761., 4762., 4772., 4774.,
 4778., 4779., and 4783. of the Revised Code to issue a license to
 engage in a specific profession, occupation, or occupational
 activity, or to have charge of and operate certain specific
 equipment, machinery, or premises.

(2) The state dental board, relative to its authority to
 issue a license pursuant to section 4715.12, 4715.16, 4715.21, or
 4715.27 of the Revised Code;

(3) The department of commerce or state board of pharmacy,
 relative to its authority under Chapter 3796. of the Revised Code
 and any rules adopted under that chapter with respect to a person
 who is subject to section 3796.13 of the Revised Code;

(4) The director of agriculture, relative to the director's authority to issue licenses under Chapter 928. of the Revised Code. 7910
7911
7912

(D) "Applicant for an initial license" includes persons seeking a license for the first time and persons seeking a license by reciprocity, endorsement, or similar manner of a license issued in another state. "Applicant for an initial license" also includes a person who, for purposes of section 3796.13 of the Revised Code, is required to comply with sections 4776.01 to 4776.04 of the Revised Code. 7913
7914
7915
7916
7917
7918
7919

(E) "Applicant for a restored license" includes persons seeking restoration of a license under section 4730.14, 4730.28, 4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061, 4761.06, 4761.061, 4762.06, 4762.061, 4772.08, 4772.082, 4774.06, 4774.061, 4778.07, or 4778.071 of the Revised Code. "Applicant for a restored license" does not include a person seeking restoration of a license under section 4751.33 of the Revised Code. 7920
7921
7922
7923
7924
7925
7926

(F) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 7927
7928

Sec. 5123.47. (A) As used in this section: 7929

(1) "In-home care" means the supportive services provided within the home of an individual with a developmental disability who receives funding for the services through a county board of developmental disabilities, including any recipient of residential services funded as home and community-based services, family support services provided under section 5126.11 of the Revised Code, or supported living provided in accordance with sections 5126.41 to 5126.47 of the Revised Code. "In-home care" includes care that is provided outside an individual's home in places 7930
7931
7932
7933
7934
7935
7936
7937
7938

incidental to the home, and while traveling to places incidental 7939
to the home, except that "in-home care" does not include care 7940
provided in the facilities of a county board of developmental 7941
disabilities or care provided in schools. 7942

(2) "Parent" means either parent of a child, including an 7943
adoptive parent but not a foster parent. 7944

(3) "Unlicensed in-home care worker" means an individual who 7945
provides in-home care but is not a health care professional. 7946

(4) "Family member" means a parent, sibling, spouse, son, 7947
daughter, grandparent, aunt, uncle, cousin, or guardian of the 7948
individual with a developmental disability if the individual with 7949
a developmental disability lives with the person and is dependent 7950
on the person to the extent that, if the supports were withdrawn, 7951
another living arrangement would have to be found. 7952

(5) "Health care professional" means any of the following: 7953

(a) A dentist who holds a valid license issued under Chapter 7954
4715. of the Revised Code; 7955

(b) A registered or licensed practical nurse who holds a 7956
valid license issued under Chapter 4723. of the Revised Code; 7957

(c) An optometrist who holds a valid license issued under 7958
Chapter 4725. of the Revised Code; 7959

(d) A pharmacist who holds a valid license issued under 7960
Chapter 4729. of the Revised Code; 7961

(e) A person who holds a valid license or certificate issued 7962
under Chapter 4731. of the Revised Code to practice medicine and 7963
surgery, osteopathic medicine and surgery, podiatric medicine and 7964
surgery, or a limited brand of medicine; 7965

(f) A physician assistant who holds a valid license issued 7966

under Chapter 4730. of the Revised Code;	7967
(g) An occupational therapist or occupational therapy	7968
assistant or a physical therapist or physical therapist assistant	7969
who holds a valid license issued under Chapter 4755. of the	7970
Revised Code;	7971
(h) A respiratory care professional who holds a valid license	7972
issued under Chapter 4761. of the Revised Code;	7973
<u>(i) A certified mental health assistant who holds a valid</u>	7974
<u>license issued under Chapter 4772. of the Revised Code.</u>	7975
(6) "Health care task" means a task that is prescribed,	7976
ordered, delegated, or otherwise directed by a health care	7977
professional acting within the scope of the professional's	7978
practice. "Health care task" includes the administration of oral	7979
and topical prescribed medications; administration of nutrition	7980
and medications through gastrostomy and jejunostomy tubes that are	7981
stable and labeled; administration of oxygen and metered dose	7982
inhaled medications; administration of insulin through	7983
subcutaneous injections, inhalation, and insulin pumps; and	7984
administration of prescribed medications for the treatment of	7985
metabolic glycemc disorders through subcutaneous injections.	7986
(B) Except as provided in division (E) of this section, a	7987
family member of an individual with a developmental disability may	7988
authorize an unlicensed in-home care worker to perform health care	7989
tasks as part of the in-home care the worker provides to the	7990
individual, if all of the following apply:	7991
(1) The family member is the primary supervisor of the care.	7992
(2) The unlicensed in-home care worker has been selected by	7993
the family member or the individual receiving care and is under	7994
the direct supervision of the family member.	7995

(3) The unlicensed in-home care worker is providing the care through an employment or other arrangement entered into directly with the family member and is not otherwise employed by or under contract with a person or government entity to provide services to individuals with developmental disabilities.

(4) The health care task is completed in accordance with standard, written instructions.

(5) Performance of the health care task requires no judgment based on specialized health care knowledge or expertise.

(6) The outcome of the health care task is reasonably predictable.

(7) Performance of the health care task requires no complex observation of the individual receiving the care.

(8) Improper performance of the health care task will result in only minimal complications that are not life-threatening.

(C) A family member shall obtain a prescription, if applicable, and written instructions from a health care professional for the care to be provided to the individual. The family member shall authorize the unlicensed in-home care worker to provide the care by preparing a written document granting the authority. The family member shall provide the unlicensed in-home care worker with appropriate training and written instructions in accordance with the instructions obtained from the health care professional. The family member or a health care professional shall be available to communicate with the unlicensed in-home care worker either in person or by telecommunication while the in-home care worker performs a health care task.

(D) A family member who authorizes an unlicensed in-home care worker to administer oral and topical prescribed medications or

perform other health care tasks retains full responsibility for 8025
the health and safety of the individual receiving the care and for 8026
ensuring that the worker provides the care appropriately and 8027
safely. No entity that funds or monitors the provision of in-home 8028
care may be held liable for the results of the care provided under 8029
this section by an unlicensed in-home care worker, including such 8030
entities as the county board of developmental disabilities and the 8031
department of developmental disabilities. 8032

An unlicensed in-home care worker who is authorized under 8033
this section by a family member to provide care to an individual 8034
may not be held liable for any injury caused in providing the 8035
care, unless the worker provides the care in a manner that is not 8036
in accordance with the training and instructions received or the 8037
worker acts in a manner that constitutes willful or wanton 8038
misconduct. 8039

(E) A county board of developmental disabilities may evaluate 8040
the authority granted by a family member under this section to an 8041
unlicensed in-home care worker at any time it considers necessary 8042
and shall evaluate the authority on receipt of a complaint. If the 8043
board determines that a family member has acted in a manner that 8044
is inappropriate for the health and safety of the individual 8045
receiving the care, the authorization granted by the family member 8046
to an unlicensed in-home care worker is void, and the family 8047
member may not authorize other unlicensed in-home care workers to 8048
provide the care. In making such a determination, the board shall 8049
use appropriately licensed health care professionals and shall 8050
provide the family member an opportunity to file a complaint under 8051
section 5126.06 of the Revised Code. 8052

Sec. 5164.95. (A) As used in this section, "telehealth 8053
service" means a health care service delivered to a patient 8054

through the use of interactive audio, video, or other 8055
telecommunications or electronic technology from a site other than 8056
the site where the patient is located. 8057

(B) The department of medicaid shall establish standards for 8058
medicaid payments for health care services the department 8059
determines are appropriate to be covered by the medicaid program 8060
when provided as telehealth services. The standards shall be 8061
established in rules adopted under section 5164.02 of the Revised 8062
Code. 8063

In accordance with section 5162.021 of the Revised Code, the 8064
medicaid director shall adopt rules authorizing the directors of 8065
other state agencies to adopt rules regarding the medicaid 8066
coverage of telehealth services under programs administered by the 8067
other state agencies. Any such rules adopted by the medicaid 8068
director or the directors of other state agencies are not subject 8069
to the requirements of division (F) of section 121.95 of the 8070
Revised Code. 8071

(C)(1) To the extent permitted under rules adopted under 8072
section 5164.02 of the Revised Code and applicable federal law, 8073
the following practitioners are eligible to provide telehealth 8074
services covered pursuant to this section: 8075

(a) A physician licensed under Chapter 4731. of the Revised 8076
Code to practice medicine and surgery, osteopathic medicine and 8077
surgery, or podiatric medicine and surgery; 8078

(b) A psychologist, independent school psychologist, or 8079
school psychologist licensed under Chapter 4732. of the Revised 8080
Code; 8081

(c) A physician assistant licensed under Chapter 4730. of the 8082
Revised Code; 8083

(d) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner licensed under Chapter 4723. of the Revised Code;	8084 8085 8086
(e) An independent social worker, independent marriage and family therapist, or professional clinical counselor licensed under Chapter 4757. of the Revised Code;	8087 8088 8089
(f) An independent chemical dependency counselor licensed under Chapter 4758. of the Revised Code;	8090 8091
(g) A supervised practitioner or supervised trainee;	8092
(h) An audiologist or speech-language pathologist licensed under Chapter 4753. of the Revised Code;	8093 8094
(i) An audiology aide or speech-language pathology aide, as defined in section 4753.072 of the Revised Code, or an individual holding a conditional license under section 4753.071 of the Revised Code;	8095 8096 8097 8098
(j) An occupational therapist or physical therapist licensed under Chapter 4755. of the Revised Code;	8099 8100
(k) An occupational therapy assistant or physical therapist assistant licensed under Chapter 4755. of the Revised Code.	8101 8102
(l) A dietitian licensed under Chapter 4759. of the Revised Code;	8103 8104
(m) A chiropractor licensed under Chapter 4734. of the Revised Code;	8105 8106
(n) A pharmacist licensed under Chapter 4729. of the Revised Code;	8107 8108
(o) A genetic counselor licensed under Chapter 4778. of the Revised Code;	8109 8110

(p) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry;	8111 8112
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	8113 8114
(r) A certified Ohio behavior analyst certified under Chapter 4783. of the Revised Code;	8115 8116
(s) A practitioner who provides services through a medicaid school program;	8117 8118
(t) Subject to section 5119.368 of the Revised Code, a practitioner authorized to provide services and supports certified under section 5119.36 of the Revised Code through a community mental health services provider or community addiction services provider;	8119 8120 8121 8122 8123
(u) <u>A certified mental health assistant licensed under Chapter 4772. of the Revised Code;</u>	8124 8125
(v) Any other practitioner the medicaid director considers eligible to provide telehealth services.	8126 8127
(2) In accordance with division (B) of this section and to the extent permitted under rules adopted under section 5164.02 of the Revised Code and applicable federal law, the following provider types are eligible to submit claims for medicaid payments for providing telehealth services:	8128 8129 8130 8131 8132
(a) Any practitioner described in division (C)(1) of this section, except for those described in divisions (C)(1)(g), (i), and (k) of this section;	8133 8134 8135
(b) A professional medical group;	8136
(c) A federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047	8137 8138

of the Revised Code; 8139

(d) A rural health clinic; 8140

(e) An ambulatory health care clinic; 8141

(f) An outpatient hospital; 8142

(g) A medicaid school program; 8143

(h) Subject to section 5119.368 of the Revised Code, a 8144
community mental health services provider or community addiction 8145
services provider that offers services and supports certified 8146
under section 5119.36 of the Revised Code; 8147

(i) Any other provider type the medicaid director considers 8148
eligible to submit the claims for payment. 8149

(D)(1) When providing telehealth services under this section, 8150
a practitioner shall comply with all requirements under state and 8151
federal law regarding the protection of patient information. A 8152
practitioner shall ensure that any username or password 8153
information and any electronic communications between the 8154
practitioner and a patient are securely transmitted and stored. 8155

(2) When providing telehealth services under this section, 8156
every practitioner site shall have access to the medical records 8157
of the patient at the time telehealth services are provided. 8158

Sec. 5903.12. (A) As used in this section: 8159

"Continuing education" means continuing education required of 8160
a licensee by law and includes, but is not limited to, the 8161
continuing education required of licensees under sections 8162
3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 8163
4725.16, 4725.51, 4730.14, 4730.49, 4731.155, 4731.282, 4734.25, 8164
4735.141, 4736.11, 4741.16, 4741.19, 4751.24, 4751.25, 4755.63, 8165

4757.33, 4759.06, 4761.06, ~~and 4763.07~~, and 4772.081 of the 8166
Revised Code. 8167

"Reporting period" means the period of time during which a 8168
licensee must complete the number of hours of continuing education 8169
required of the licensee by law. 8170

(B) A licensee may submit an application to a licensing 8171
agency, stating that the licensee requires an extension of the 8172
current reporting period because the licensee has served on active 8173
duty during the current or a prior reporting period. The licensee 8174
shall submit proper documentation certifying the active duty 8175
service and the length of that active duty service. Upon receiving 8176
the application and proper documentation, the licensing agency 8177
shall extend the current reporting period by an amount of time 8178
equal to the total number of months that the licensee spent on 8179
active duty during the current reporting period. For purposes of 8180
this division, any portion of a month served on active duty shall 8181
be considered one full month. 8182

Section 130.____. That existing sections 2305.234, 2305.51, 8183
2925.01, 2925.02, 2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 8184
2925.36, 2925.55, 2925.56, 2929.42, 3701.048, 3701.74, 3709.161, 8185
3715.50, 3715.501, 3715.502, 3715.503, 3715.872, 3719.06, 8186
3719.064, 3719.121, 3719.13, 3719.81, 4729.01, 4729.51, 4729.553, 8187
4731.051, 4731.07, 4731.071, 4731.22, 4731.224, 4731.24, 4731.25, 8188
4731.251, 4734.99, 4743.09, 4755.48, 4755.623, 4765.51, 4769.01, 8189
4776.01, 5123.47, 5164.95, and 5903.12 of the Revised Code are 8190
hereby repealed. 8191

Section 130.____. That the version of section 4755.48 of the 8192
Revised Code that is scheduled to take effect December 29, 2023, 8193
be amended to read as follows: 8194

Sec. 4755.48. (A) No person shall employ fraud or deception 8195
in applying for or securing a license to practice physical therapy 8196
or to be a physical therapist assistant. 8197

(B) No person shall practice or in any way imply or claim to 8198
the public by words, actions, or the use of letters as described 8199
in division (C) of this section to be able to practice physical 8200
therapy or to provide physical therapy services, including 8201
practice as a physical therapist assistant, unless the person 8202
holds a valid license under sections 4755.40 to 4755.56 of the 8203
Revised Code or except for submission of claims as provided in 8204
section 4755.56 of the Revised Code. 8205

(C) No person shall use the words or letters, physical 8206
therapist, physical therapy, physical therapy services, 8207
physiotherapist, physiotherapy, physiotherapy services, licensed 8208
physical therapist, P.T., Ph.T., P.T.T., R.P.T., L.P.T., M.P.T., 8209
D.P.T., M.S.P.T., P.T.A., physical therapy assistant, physical 8210
therapist assistant, physical therapy technician, licensed 8211
physical therapist assistant, L.P.T.A., R.P.T.A., or any other 8212
letters, words, abbreviations, or insignia, indicating or implying 8213
that the person is a physical therapist or physical therapist 8214
assistant without a valid license under sections 4755.40 to 8215
4755.56 of the Revised Code. 8216

(D) No person who practices physical therapy or assists in 8217
the provision of physical therapy treatments under the supervision 8218
of a physical therapist shall fail to display the person's current 8219
license granted under sections 4755.40 to 4755.56 of the Revised 8220
Code in a conspicuous location in the place where the person 8221
spends the major part of the person's time so engaged. 8222

(E) Nothing in sections 4755.40 to 4755.56 of the Revised 8223

Code shall affect or interfere with the performance of the duties 8224
of any physical therapist or physical therapist assistant in 8225
active service in the army, navy, coast guard, marine corps, air 8226
force, public health service, or marine hospital service of the 8227
United States, while so serving. 8228

(F) Nothing in sections 4755.40 to 4755.56 of the Revised 8229
Code shall prevent or restrict the activities or services of a 8230
person pursuing a course of study leading to a degree in physical 8231
therapy in an accredited or approved educational program if the 8232
activities or services constitute a part of a supervised course of 8233
study and the person is designated by a title that clearly 8234
indicates the person's status as a student. 8235

(G)(1) Subject to division (G)(2) of this section, nothing in 8236
sections 4755.40 to 4755.56 of the Revised Code shall prevent or 8237
restrict the activities or services of any person who holds a 8238
current, unrestricted license to practice physical therapy in 8239
another state when that person, pursuant to contract or employment 8240
with an athletic team located in the state in which the person 8241
holds the license, provides physical therapy to any of the 8242
following while the team is traveling to or from or participating 8243
in a sporting event in this state: 8244

(a) A member of the athletic team; 8245

(b) A member of the athletic team's coaching, communications, 8246
equipment, or sports medicine staff; 8247

(c) A member of a band or cheerleading squad accompanying the 8248
athletic team; 8249

(d) The athletic team's mascot. 8250

(2) In providing physical therapy pursuant to division (G)(1) 8251
of this section, the person shall not do either of the following: 8252

(a) Provide physical therapy at a health care facility;	8253
(b) Provide physical therapy for more than sixty days in a calendar year.	8254 8255
(3) The limitations described in divisions (G)(1) and (2) of this section do not apply to a person who is practicing in accordance with the compact privilege granted by this state through the "Physical Therapy Licensure Compact" entered into under section 4755.57 of the Revised Code.	8256 8257 8258 8259 8260
(4) The physical therapy section of the occupational therapy, physical therapy, and athletic trainers board shall not require a nonresident person who holds a license to practice physical therapy in another state to obtain a license in accordance with Chapter 4796. of the Revised Code to provide physical therapy services in the manner described under division (G)(1) of this section.	8261 8262 8263 8264 8265 8266 8267
(H)(1) Except as provided in division (H)(2) of this section and subject to division (I) of this section, no person shall practice physical therapy other than on the prescription of, or the referral of a patient by, a person who is licensed in this or another state to do at least one of the following:	8268 8269 8270 8271 8272
(a) Practice medicine and surgery, chiropractic, dentistry, osteopathic medicine and surgery, podiatric medicine and surgery;	8273 8274
(b) Practice as a physician assistant;	8275
(c) Practice nursing as an advanced practice registered nurse;	8276 8277
<u>(d) Practice as a certified mental health assistant.</u>	8278
(2) The prohibition in division (H)(1) of this section on practicing physical therapy other than on the prescription of, or	8279 8280

the referral of a patient by, any of the persons described in that 8281
 division does not apply if either of the following applies to the 8282
 person: 8283

(a) The person holds a master's or doctorate degree from a 8284
 professional physical therapy program that is accredited by a 8285
 national physical therapy accreditation agency approved by the 8286
 physical therapy section of the Ohio occupational therapy, 8287
 physical therapy, and athletic trainers board. 8288

(b) On or before December 31, 2004, the person has completed 8289
 at least two years of practical experience as a licensed physical 8290
 therapist. 8291

(I) To be authorized to prescribe physical therapy or refer a 8292
 patient to a physical therapist for physical therapy, a person 8293
 described in division (H)(1) of this section must be in good 8294
 standing with the relevant licensing board in this state or the 8295
 state in which the person is licensed and must act only within the 8296
 person's scope of practice. 8297

(J) In the prosecution of any person for violation of 8298
 division (B) or (C) of this section, it is not necessary to allege 8299
 or prove want of a valid license to practice physical therapy or 8300
 to practice as a physical therapist assistant, but such matters 8301
 shall be a matter of defense to be established by the accused. 8302

Section 130.____. That the existing version of section 4755.48 8303
 of the Revised Code that is scheduled to take effect December 29, 8304
 2023, is hereby repealed. 8305

Section 130.____. Sections 130.____ and 130.____ of this act take 8306
 effect on December 29, 2023. 8307

Section 130.____. The General Assembly, applying the principle 8308

stated in division (B) of section 1.52 of the Revised Code that 8309
 amendments are to be harmonized if reasonably capable of 8310
 simultaneous operation, finds that the following sections, 8311
 presented in this act as composites of the sections as amended by 8312
 the acts indicated, are the resulting versions of the sections in 8313
 effect prior to the effective date of the sections as presented in 8314
 this act: 8315

Section 2925.01 of the Revised Code as amended by H.B. 281, 8316
 H.B. 509, and S.B. 25, all of the 134th General Assembly. 8317

Section 3719.121 of the Revised Code as amended by both H.B. 8318
 216 and S.B. 319 of the 131st General Assembly. 8319

Section 4729.01 of the Revised Code as amended by both H.B. 8320
 509 and H.B. 558 of the 134th General Assembly. 8321

Section 4731.22 of the Revised Code as amended by both H.B. 8322
 254 and S.B. 288 of the 134th General Assembly. 8323

Section 4776.01 of the Revised Code as amended by both H.B. 8324
 166 and S.B. 57 of the 133rd General Assembly." 8325

The motion was _____ agreed to.

SYNOPSIS

Certified mental health assistants 8326

**R.C. Chapter 4772; conforming changes in numerous other R.C. 8327
 sections; Sections 130.__ to 130.__** 8328

Establishes licensure by the State Medical Board for 8329
 certified mental health assistants (CMHAs). 8330

Authorizes CMHAs to provide mental health care under the 8331

supervision, control, and direction of a physician with whom the	8332
CMHA has entered into a supervision agreement.	8333
Authorizes CMHAs to prescribe and personally furnish drugs	8334
and therapeutic devices in the exercise of physician-delegated	8335
prescriptive authority, including certain identified controlled	8336
substances.	8337
Specifies application procedures including education	8338
requirements, renewal procedures, and continuing education	8339
requirements for CMHAs.	8340
Requires the Medical Board to approve CMHA educational	8341
programs, requires educational programs be accredited by an	8342
organization the Board recognizes, and specifies minimum course	8343
subject areas that must be covered.	8344
Authorizes the Medical Board to discipline CMHAs in a manner	8345
similar to that of other Board licensees.	8346
Prohibits an individual from claiming to be able to function	8347
as a CMHA if that individual does not hold a CMHA license, and	8348
imposes criminal penalties for violations of that and other	8349
related prohibitions.	8350

_____ moved to amend as follows:

1 In line 28301, delete "division"

2 In line 28302, delete "(B) of"; delete "Chapter 1509. of
3 the Revised Code" and insert "this chapter"

4 In line 28303, delete "if" and insert "of whether"

5 In line 28304, after "section" insert "in this chapter or
6 in such rules"

7 In line 28306, delete "(1)"

8 In line 28311, delete "(2)" and insert "(C)"

9 In line 28314, delete "(3)" and insert "(D)"

10 In line 28316, delete "(a)" and insert "(1)"

11 In line 28317, delete "(b)" and insert "(2)"

12 In line 28318, delete "(c)" and insert "(3)"

13 In line 28321, delete "(d)" and insert "(4)"

14 In line 28322, delete "(e)" and insert "(5)"

15 In line 28323, delete "(f)" and insert "(6)"

16 In line 28324, delete "(g)" and insert "(7)"

17 In line 28325, delete "(h)" and insert "(8)"

18 In line 28326, delete "(4)" and insert "(E)"

19 In line 28328, delete "division" and insert "chief"

20 In line 28331, delete "(5)" and insert "(F)"

21 In line 28334, delete "(6)" and insert "(G)(1)"; delete
22 "one year"

23 Delete lines 28335 through 28377 and insert:

24 "than one year after drilling commenced on the well, unless
25 either of the following apply:

26 (a) Subject to division (G)(2) of this section, the owner
27 of the stratigraphic well applies, within that one-year period,
28 for a permit to convert the well to another use subject to
29 regulation under this chapter or Chapter 6111. of the Revised
30 Code;

31 (b) Subject to division (G)(3) of this section, the owner
32 of the stratigraphic well executes and files with the division,
33 on a form prescribed and provided by the division, financial
34 assurance payable to the state in an amount approved by the
35 chief that is equal to or greater than the estimated cost to
36 plug the well and reclaim the associated well site. The
37 financial assurance shall be in addition to, and not in lieu of,
38 any surety bond or other financial assurance required under law.
39 The financial assurance may be in the form of cash or a surety
40 bond that names the state as obligee and is executed by a surety
41 company authorized to do business in this state.

42 (2) If an owner of a stratigraphic well applies for a
43 permit to convert the well in accordance with division (G)(1)(a)

44 of this section, but fails to complete the conversion of the
45 well to another use within two years after drilling commenced on
46 the stratigraphic well, the owner shall immediately plug the
47 well or, not later than thirty days after the expiration of that
48 two-year period, execute and file with the division financial
49 assurance in accordance with division (G) (1) (b) of this section.

50 (3) If an owner of a stratigraphic well executes and files
51 financial assurance with the division in accordance with
52 division (G) (1) (b) of this section, the stratigraphic well shall
53 be plugged not later than five years after drilling commenced on
54 the well, unless the stratigraphic well is lawfully converted to
55 another use subject to regulation under this chapter or Chapter
56 6111. of the Revised Code within that five-year period.

57 (4) Except as otherwise provided in section 1509.12 of the
58 Revised Code, a stratigraphic well shall be plugged not later
59 than one year after the issuance of a final nonappealable order
60 denying, or affirming the denial of, an application for a permit
61 to convert the well to another use subject to regulation under
62 this chapter or Chapter 6111. of the Revised Code.

63 (H) (1) The chief may forfeit by order the total amount of
64 financial assurance executed and filed under division (G) (1) (b)
65 of this section if the chief finds that the owner of that well
66 is not in compliance with this section. The chief shall ensure
67 that the order contains findings of fact supporting the

68 forfeiture and sets forth the violations giving rise to the
69 order. The chief may use the money obtained from such forfeiture
70 to plug the stratigraphic well if the well is not plugged or has
71 not been completely converted in accordance with the times
72 specified in division (G) of this section. A stratigraphic well
73 that has not been plugged and is not completely converted may be
74 plugged using the procedures established under section 1509.071
75 of the Revised Code pertaining to orphan wells.

76 (2) If a stratigraphic well owner filed financial assurance
77 in the form of a surety bond with the division and the chief
78 issues an order under division (H)(1) of this section to the
79 owner, the chief also shall issue an order to the bank or surety
80 company informing the bank or company of the option to plug the
81 well in lieu of forfeiture.

82 (I)(1) Subject to division (I)(2) or (3) of this section,
83 the owner of a stratigraphic well may elect, at its sole
84 discretion, to designate any of the following to be confidential
85 business information not subject to disclosure under any
86 provision of law for a period of five years from the time that
87 drilling commenced on the stratigraphic well:

88 (a) Data from the research of the subsurface geology
89 obtained from a stratigraphic well;

90 (b) Any of the following that are otherwise required for
91 submission under this chapter or rules adopted under it, any

92 order of the chief, or any term or condition of a permit issued
93 by the chief:

94 (i) Reports;

95 (ii) Documents;

96 (iii) Records.

97 (2) The owner of a stratigraphic well, upon request of the
98 chief, shall disclose data from the research of the subsurface
99 geology obtained from a stratigraphic well to the chief as may be
100 necessary to respond to or investigate harm or potential harm to
101 public health or safety or the environment, including potential
102 damage to subsurface formations. However, such data remains
103 confidential business information, shall not be disclosed by the
104 chief, and is not a public record subject to inspection and
105 copying under section 149.43 of the Revised Code until the
106 expiration of the five-year period.

107 (3) The owner of a stratigraphic well shall submit any
108 reports, documents, or records that are required for submission
109 under this chapter or rules adopted under it, any order of the
110 chief, or any term or condition of a permit issued by the chief.
111 However, such reports, documents, or records so designated as
112 confidential business information remain confidential business
113 information, shall not be disclosed by the chief, and are not a
114 public record subject to inspection and copying under section

115 149.43 of the Revised Code until the expiration of the five-year
116 period.

117 (K) The chief may post the surface location of a
118 stratigraphic well on the division's web site."

119 The motion was _____ agreed to.

120 SYNOPSIS

121 **Stratigraphic wells**

122 **R.C. 1509.051**

123 Allows a well owner to apply to the OEPA Director to
124 convert a stratigraphic well to a well that is regulated under
125 the water pollution control law.

126 Requires a well owner to immediately plug the stratigraphic
127 well or file financial assurance if the owner applies for a
128 permit to convert the well, but fails to complete the conversion
129 within two years after drilling commenced on the well.

130 Allows a well owner to execute and file with the Division
131 of Oil and Gas Resources Management any financial assurance,
132 instead of only a surety bond.

133 Regarding a stratigraphic well for which the Division Chief
134 has issued a forfeiture order, requires the Division Chief to:

135 1. Ensure that the order contains findings of fact
136 supporting the forfeiture and sets forth the violations giving
137 rise to the order; and

138 2. Issue an order to the bank or surety company informing
139 the bank or company of the option to plug the well in lieu of
140 forfeiture.

141 Allows the Division Chief to use money obtained from a
142 forfeiture to plug the stratigraphic well.

SC2499

143 Adds the following to the list of materials that a well
144 owner may designate as confidential business information (not
145 subject to disclosure for a period of five years from the time
146 that the stratigraphic well is spudded):

147 1. Reports;

148 2. Documents; or

149 3. Records.

150 Requires the well owner to disclose confidential research
151 data to the Division Chief as is necessary to respond to or
152 investigate harm or potential harm to public health or safety or
153 the environment, instead of disclosing it as is necessary to
154 respond to or investigate a spill or release.

155 Requires the well owner to submit any report, document, or
156 record that is required under current law, a Chief's order, or a
157 permit's terms and conditions to the Division Chief.

158 Specifies that the report, document, or record remains
159 confidential business information not otherwise subject to
160 disclosure until the expiration of the five-year period.

161 Allows the Division Chief to post the surface location of a
162 stratigraphic well on the Division's website.

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 111 of the title, after "4105.17," insert "4109.05, 1
4109.22," 2

In line 708, after "4105.17," insert "4109.05, 4109.22," 3

After line 61320, insert: 4

"**Sec. 4109.05.** (A) The director of commerce, after 5
consultation with the director of health, shall adopt rules, in 6
accordance with Chapter 119. of the Revised Code, prohibiting the 7
employment of minors in occupations which are hazardous or 8
detrimental to the health and well-being of minors. 9

In adopting the rules, the director of commerce shall 10
consider the orders issued pursuant to the "Fair Labor Standards 11
Act of 1938," 52 Stat. 1060, 29 U.S.C. 201, as amended. 12

The director of commerce shall not adopt any rule that 13
prohibits a minor who is sixteen or seventeen years of age and who 14
is employed by an employer under the manufacturing and 15
construction mentorship program created in section 4109.22 of the 16
Revised Code from being employed in a construction occupation or 17
manufacturing occupation if the orders issued pursuant to the 18
"Fair Labor Standards Act of 1938," 29 U.S.C. 201, et seq., permit 19
the employment of the minor in the construction occupation or 20

manufacturing occupation. As used in this division, "construction occupation" and "manufacturing occupation" ~~has~~ have the same ~~meaning~~ meanings as in section 4109.22 of the Revised Code.

(B) No minor may be employed in any occupation found hazardous or detrimental to the health and well-being of minors under the rules adopted pursuant to division (A) of this section.

Sec. 4109.22. (A) As used in this section:

(1) "Construction occupation" means employment that consists of the construction, reconstruction, enlargement, alteration, repair, remodeling, renovation, demolition, or painting of a building or other structure, road, bridge, or other work, including preparation of a site for new construction.

(2) "Manufacturing occupation" means employment that consists of the mechanical, physical, or chemical transformation of materials, substances, or components into new products for sale, including the assembling of component parts into a finished product.

~~(2)~~(3) Notwithstanding the definition of "employer" in section 4109.01 of the Revised Code, "employer" means every person who employs any individual in a construction occupation or manufacturing occupation.

(B) There is hereby created the manufacturing and construction mentorship program to expose minors who are sixteen or seventeen years of age to construction occupations and manufacturing occupations in this state through temporary employment with an employer. An employer employing a minor under the mentorship program shall do all of the following:

(1) Determine the duration of the minor's employment;

(2) Assign the minor a mentor to provide direct and close supervision while the minor is engaged in any workplace activity;	49 50
(3) Provide the minor with the training described in division (C) of this section;	51 52
(4) Encourage the minor to participate in a career-technical education program approved by the department of education if the minor is not participating in a career-technical education program when the minor begins employment;	53 54 55 56
(5) Comply with all applicable state and federal laws and regulations relating to the employment of minors.	57 58
(C)(1) An employer employing a minor who is sixteen or seventeen years of age in a <u>construction occupation or</u> manufacturing occupation under the mentorship program shall provide the minor with training that includes all of the following:	59 60 61 62 63
(a) A ten-hour course in <u>construction or</u> general industry safety and health hazard recognition and prevention approved by the occupational safety and health administration of the United States department of labor;	64 65 66 67
(b) Instructions on how to operate the specific tools the minor will use during the minor's employment;	68 69
(c) The general safety and health hazards to which the minor may be exposed at the minor's workplace;	70 71
(d) The value of safety and management commitment;	72
(e) Information on the employer's drug testing policy.	73
(2) For purposes of division (C)(1)(a) of this section, a minor may participate in a thirty-hour course in <u>construction or</u> general industry safety and health hazard recognition and	74 75 76

prevention approved by the occupational safety and health 77
administration if the minor has already successfully completed a 78
ten-hour course. 79

(3) The employer shall pay any costs associated with 80
providing the training required by division (C)(1) or permitted 81
under division (C)(2) of this section. 82

(4) An employer is not required to provide the training 83
described in division (C)(1) or (2) of this section if the minor 84
presents proof of completing the training during the six-month 85
period immediately before beginning employment with the employer. 86

(D) The director of commerce, in consultation with employers, 87
shall adopt rules in accordance with Chapter 119. of the Revised 88
Code specifying a list of the tools that a minor who is sixteen or 89
seventeen years of age who is employed under the mentorship 90
program may operate during the minor's employment in a 91
construction occupation or manufacturing occupation. The director 92
shall use the manual issued by the wage and hour division of the 93
United States department of labor titled "field operations 94
handbook" or its successor for guidance in developing the list. 95
Nothing in this division requires the director to include a tool 96
on the list if the orders issued pursuant to the "Fair Labor 97
Standards Act of 1938," 29 U.S.C. 201, et seq., and section 98
4109.05 of the Revised Code or rules adopted under that section 99
specifically permit minors of that age to operate the tool. 100

(E) A minor who is sixteen or seventeen years of age who is 101
employed by an employer under the mentorship program may work in 102
any construction occupation or manufacturing occupation not denied 103
by law to minors of that age under section 4109.05 of the Revised 104
Code or rules adopted under that section. 105

(F) No employer shall do either of the following: 106

(1) Permit a minor who is sixteen or seventeen years of age 107
to operate a tool minors of that age are permitted to operate 108
pursuant to the rules adopted under division (D) of this section 109
unless the minor is employed by the employer under the mentorship 110
program; 111

(2) Permit a minor who is sixteen or seventeen years of age 112
who is employed by the employer under the mentorship program to 113
operate a tool prohibited for use by minors of that age pursuant 114
to the "Fair Labor Standards Act of 1938," 29 U.S.C. 201, et seq., 115
and section 4109.05 of the Revised Code or rules adopted under 116
that section." 117

In line 108846, after "4105.17," insert "4109.05, 4109.22," 118

The motion was _____ agreed to.

SYNOPSIS

Manufacturing and Construction Mentorship Program 119

R.C. 4109.05 and 4109.22 120

Expands the Manufacturing Mentorship Program to expose minors 121
to construction and manufacturing occupations through temporary 122
employment, rather than only manufacturing occupations as under 123
current law. 124

Changes the program's name to the "Manufacturing and 125
Construction Mentorship Program." 126

_____ moved to amend as follows:

1 After line 225711, insert:

2 **"Section 265.____.** (A) Notwithstanding any provision of the
3 Revised Code to the contrary, if a county auditor has determined
4 that an abstract filed for tax year 2021 contained incorrect
5 information due to a correcting certification of public utility
6 personal property value in excess of fourteen million dollars,
7 the auditor may file a corrected abstract with respect to such
8 property for that tax year. The county auditor shall submit the
9 corrected abstract to the Tax Commissioner within fifteen days
10 after the effective date of this section. Within fifteen days
11 after receipt of the corrected abstract, the Commissioner shall
12 recertify the information described in divisions (A)(1) to (4)
13 of section 3317.021 of the Revised Code for tax year 2021, as
14 adjusted according to the corrected abstract, to the Department
15 of Education and the Office of Budget and Management.

16 (B) Notwithstanding anything in Chapter 3317. of the
17 Revised Code to the contrary, with respect to any school
18 district for which a county auditor submits a corrected abstract
19 under division (A) of this section, the Department of Education

20 and Workforce shall use the information recertified for tax year
21 2021 under that division to compute state foundation aid under
22 Chapter 3317. of the Revised Code.

23 (C) Any correction of an abstract made pursuant to this
24 section shall be used solely to compute a school district's
25 state foundation aid and shall not affect any property taxes
26 charged and payable for tax year 2021."

27 The motion was _____ agreed to.

28 SYNOPSIS

29 **School funding computation based on corrected TY 2021 data**

30 **Section 265.____**

31 Allows a county auditor to submit, within 15 days after the
32 provision's effective date, certain corrected school district
33 property tax information for the 2021 tax year, and requires the
34 Department of Education and Workforce to use that information to
35 compute state foundation aid for the district.

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 83 of the title, after "3333.74," insert "3335.02,
3335.09," 1
2

In line 687, after "3333.74," insert "3335.02, 3335.09," 3

After line 48956, insert: 4

"**Sec. 3335.02.** (A) The government of the Ohio state 5
university shall be vested in a board of fourteen trustees in 6
2005, and seventeen trustees beginning in 2006, who shall be 7
appointed by the governor, with the advice and consent of the 8
senate. Two of the seventeen trustees shall be students at the 9
Ohio state university, and their selection and terms shall be in 10
accordance with division (B) of this section. Except as provided 11
in division ~~(D)~~(C) of this section and except for the terms of 12
student members, terms of office shall be for nine years, 13
commencing on the fourteenth day of May and ending on the 14
thirteenth day of May. Each trustee shall hold office from the 15
date of appointment until the end of the term for which the 16
trustee was appointed. Any trustee appointed to fill a vacancy 17
occurring prior to the expiration of the term for which the 18
trustee's predecessor was appointed shall hold office for the 19
remainder of such term. Any trustee shall continue in office 20
subsequent to the expiration date of the trustee's term until the 21

trustee's successor takes office, or until a period of sixty days 22
has elapsed, whichever occurs first. No person who has served a 23
full nine-year term or more than six years of such a term shall be 24
eligible for reappointment until a period of four years has 25
elapsed since the last day of the term for which the person 26
previously served. The trustees shall not receive compensation for 27
their services, but shall be paid their reasonable necessary 28
expenses while engaged in the discharge of their official duties. 29

(B) The student members of the board of trustees of the Ohio 30
state university shall be students at the Ohio state university. 31
~~Unless student members have been granted voting power under~~ 32
~~division (C) of this section, they~~ Student members shall have no 33
voting power on the board, shall not be considered as members of 34
the board in determining whether a quorum is present, and shall 35
not be entitled to attend executive sessions of the board. The 36
student members of the board shall be appointed by the governor, 37
with the advice and consent of the senate, from a group of five 38
candidates selected pursuant to a procedure adopted by the 39
university's student governments and approved by the university's 40
board of trustees. The initial term of office of one of the 41
student members shall commence on May 14, 1988, and shall expire 42
on May 13, 1989, and the initial term of office of the other 43
student member shall commence on May 14, 1988, and expire on May 44
13, 1990. Thereafter, terms of office of student members shall be 45
for two years, each term ending on the same day of the same month 46
of the year as the term it succeeds. In the event a student member 47
cannot fulfill a two-year term, a replacement shall be selected to 48
fill the unexpired term in the same manner used to make the 49
original selection. 50

~~(C) Not later than ninety days after the effective date of~~ 51
~~this amendment, the board of trustees shall adopt a resolution~~ 52

~~that does one of the following:~~ 53

~~(1) Grants the student members of the board voting power on the board. If so granted, in addition to having voting power, the student members shall be considered as members of the board in determining whether a quorum is present and shall be entitled to attend executive sessions of the board.~~ 54
55
56
57
58

~~(2) Declares that student members do not have voting power on the board.~~ 59
60

~~Thereafter, the board may change the voting status of student trustees by adopting a subsequent resolution. Each resolution adopted under this division shall take effect on the fourteenth day of May following the adoption of the resolution. All members with voting power at the time of the adoption of a resolution may vote on the resolution.~~ 61
62
63
64
65
66

~~If student members are granted voting power under this division, no student shall be disqualified from membership on the board of trustees because the student receives a scholarship, grant, loan, or any other financial assistance payable out of the state treasury or a university fund, or because the student is employed by the university in a position pursuant to a work study program or other student employment, including as a graduate teaching assistant, graduate administrative assistant, or graduate research assistant, the compensation for which is payable out of the state treasury or a university fund.~~ 67
68
69
70
71
72
73
74
75
76

~~Acceptance of such financial assistance or employment by a student trustee shall not be considered a violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code.~~ 77
78
79

~~(D)(1)(1)~~ (1) The initial terms of office for the three additional trustees appointed in 2005 shall commence on a date in 2005 that is selected by the governor with one term of office 80
81
82

expiring on May 13, 2009, one term of office expiring on May 13, 83
 2010, and one term of office expiring on May 13, 2011, as 84
 designated by the governor upon appointment. Thereafter terms of 85
 office shall be for nine years, as provided in division (A) of 86
 this section. 87

(2) The initial terms of office for the three additional 88
 trustees appointed in 2006 shall commence on May 14, 2006, with 89
 one term of office expiring on May 13, 2012, one term of office 90
 expiring on May 13, 2013, and one term of office expiring on May 91
 13, 2014, as designated by the governor upon appointment. 92
 Thereafter terms of office shall be for nine years, as provided in 93
 division (A) of this section. 94

Sec. 3335.09. The board of trustees of the Ohio state 95
 university shall elect, fix the compensation of, and remove, the 96
 president and such number of professors, teachers, and other 97
 employees as are necessary. ~~Except as provided under division (C)~~ 98
~~of section 3335.02 of the Revised Code, no~~ No trustee, or relative 99
 of a trustee by blood or marriage, shall be eligible to a 100
 professorship or position in the university, the compensation for 101
 which is payable out of the state treasury or a university fund. 102
 The board shall fix and regulate the course of instruction and 103
 prescribe the extent and character of experiments to be made at 104
 the university." 105

In line 108826, after "3333.74," insert "3335.02, 3335.09," 106

The motion was _____ agreed to.

SYNOPSIS

Student trustees at the Ohio State University	107
R.C. 3335.02 and 3335.09	108
Removes all of the following from current law:	109
-A requirement that the Ohio State University (OSU) board of trustees adopt a resolution in 2015 that either granted the two student members of the board voting power or declared that student members did not having voting power;	110 111 112 113
-Authority for the OSU board to change the voting power of student trustees by subsequent resolution; and	114 115
-A provision that applies only if student trustees are granted voting power and prohibits disqualifying students from board membership based on financial assistance or employment payable out of the state treasury or a university fund.	116 117 118 119
Prohibits student members of OSU's board of trustees from all of the following:	120 121
-Having voting power on the board;	122
-Being considered as members of the board in determining whether a quorum is present; and	123 124
-Being entitled to attend executive sessions of the board.	125

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 86 of the title, after "3353.02," insert "3354.05, 1
3357.021, 3357.05, 3358.03," 2

In line 689, after "3353.02," insert "3354.05, 3357.021, 3
3357.05, 3358.03," 4

After line 49633, insert: 5

"**Sec. 3354.05.** (A) Within ninety days after a community 6
college district has been declared to be established, pursuant to 7
sections 3354.02 to 3354.04 of the Revised Code, nine persons, all 8
of whom shall be residents of the district, shall be appointed as 9
a board of trustees of the community college district. Six 10
trustees shall be appointed by the board of county commissioners 11
or boards of county commissioners of such district and three 12
trustees shall be appointed by the governor, with the advice and 13
consent of the senate. At the time of the initial meeting of the 14
trustees a drawing shall be held to determine the initial term of 15
each appointee, one trustee to serve for a term ending two years 16
after the date upon which the community college district had been 17
declared established, three for terms ending three years after 18
that date, three for terms ending four years after that date, and 19
two for terms ending five years after that date. 20

(B) At the expiration of each of the three terms appointed by the governor, and thereafter, the governor shall make appointments, with the advice and consent of the senate. At the expiration of each of the remaining six terms, and thereafter, the board of county commissioners or boards of county commissioners shall make appointments. Except as provided in division (C) of this section, the successive terms of trustees shall be for five years, each term ending on the same day of the same month of the year as did the term which it succeeds. Each trustee shall hold office from the date of ~~his~~ appointment until the end of the term for which ~~he was~~ appointed. Any trustee appointed to fill a vacancy occurring prior to the expiration of the term for which ~~his~~ the trustee's predecessor was appointed shall hold office for the remainder of such term. Any trustee shall continue in office subsequent to the expiration date of ~~his~~ the trustee's term until ~~his~~ the trustee's successor takes office, ~~or until a period of sixty days has elapsed, whichever occurs first.~~ A majority of the sitting members of the board at the time of a meeting shall constitute a quorum.

(C) Upon expiration of the Cuyahoga county community college district trustee term which ends on January 19, 1974 and for which the governor is required to appoint a successor, the new term which succeeds it shall commence on January 20, 1974 and end on October 12, 1978. Upon expiration of the Mahoning county community college district trustee terms which end on February 22, 1975 and for which the governor is required to appoint successors, the new terms which succeed them shall commence on February 23, 1975 and end on February 10, 1980. Upon expiration of the Lorain county community college district trustee terms which end on October 12, 1977 and for which the governor is required to appoint successors, the new terms which succeed them shall commence on October 13,

1977 and end on August 30, 1982. Upon expiration of the Montgomery
 county community college district trustee term which ends on July
 1, 1973 and for which the governor is required to appoint a
 successor, the new term which succeeds it shall commence on July
 2, 1973 and end on October 12, 1977. Upon expiration of the
 Lakeland community college district trustee term which ends on
 March 6, 1978, and for which the governor is required to appoint a
 successor, the new term which succeeds it shall commence on March
 7, 1978 and end on October 12, 1982.

Sec. 3357.021. As used in this section, "technical college
 district" means a district created under division (A), (B), (C),
 or (D) of section 3357.02 of the Revised Code the voters of which
 have not authorized the levy of a tax outside the ten-mill
 limitation.

The board of education of any city or exempted village school
 district that has territory in or that is contiguous to a
 technical college district may by resolution adopted by a majority
 of the members of the board request the inclusion of all of the
 school district's territory in the technical college district. The
 governing board of an educational service center whose service
 area contains the whole territory of a county or that is
 contiguous to a county that is contiguous to or that has territory
 in a technical college district may, by resolution adopted by a
 majority of the members of the board, request the inclusion of all
 of the county's territory in the technical college district. A
 copy of the resolution shall be certified to the board of trustees
 of the technical college district.

The board of trustees of a technical college district to
 which a resolution has been certified may by resolution adopted by
 a majority of the members of the board propose the expansion of

the technical college district to include all of the territory
described in the resolution, and certify a copy of the resolution
to the Ohio board of regents, which may approve or disapprove the
expansion and designate the date on which the expansion shall take
effect. If a college district board of trustees has received more
than one resolution requesting inclusion in the district, the
board's resolution may propose the expansion to include the
territory of more than one school district or one county, provided
that all such territory is contiguous either to the college
district or to territory described in the board's resolution.

The expansion of a technical college district under this
section does not affect the terms of district trustees serving on
the date of such expansion. If expansion of the technical college
district requires the appointment of two additional trustees
pursuant to section 3357.05 of the Revised Code, the additional
trustees shall meet the requirements set forth in such section and
shall be appointed within ninety days of the effective date of the
expansion. One such trustee shall be appointed by the governor
with the advice and consent of the senate for a term ending the
same day of the same month of the year as the terms of other
trustees appointed by the governor end, in the first year during
which the term of no other trustee appointed by the governor ends.
~~One~~ For appointments made prior to January 1, 2024, one trustee
shall be initially appointed by the presidents or their
representatives of the city and exempted village school district
boards of education and the educational service center governing
boards whose territories are embraced by the expanded technical
college district. Prior to the appointment of the trustee the
president of the board of education of the city school district
having the largest pupil enrollment shall call a caucus of the
presidents of the foregoing boards at a time and place designated

by such president. At such caucus the board presidents or their 113
 representatives shall select the trustee by majority vote of those 114
 attending. ~~This appointment~~ For appointments made on or after 115
January 1, 2024, one trustee initially shall be appointed by the 116
technical college's trustee selection committee in the manner set 117
forth under division (A)(2) of section 3357.05 of the Revised 118
Code, except for the required term of office length. The initial 119
appointments of trustees not appointed by the governor shall be 120
 for a term ending the same day of the same month of the year as 121
 the terms of trustees not appointed by the governor in the first 122
 year during which the term of only one such trustee ends. 123
 Thereafter, all appointments of trustees shall be made in the 124
 manner set forth in section 3357.05 of the Revised Code. 125

Sec. 3357.05. Within ninety days after a technical college 126
 district is created pursuant to section 3357.02 of the Revised 127
 Code, trustees shall be appointed to serve as a board of trustees 128
 of the technical college district. Appointees shall be qualified 129
 electors residing in the technical college district and shall not 130
 be employees of that technical college. No new trustee may be 131
 appointed who is a member of any board of education or educational 132
 service center governing board. The term of office shall be three 133
 years with the exception of initial appointments as provided in 134
 this section and section 3357.021 of the Revised Code. Trustees 135
 shall be appointed in the manner and for the terms provided by 136
 this section. Each trustee shall hold office from the date of 137
 appointment until the end of the appointed term. Any trustee 138
 appointed to fill a vacancy occurring prior to the expiration of 139
 the term for which the trustee's predecessor was appointed shall 140
 hold office for the remainder of such term. Any trustee shall 141
 continue in office subsequent to the expiration date of ~~his~~ the 142
trustee's term until a successor takes office, ~~or until a period~~ 143

~~of sixty days has elapsed, whichever occurs first. A majority of~~ 144
~~the sitting members of the board at the time of a meeting~~ 145
~~constitutes a quorum.~~ 146

(A) If a technical college district embraces the territory of 147
 one or more school districts and more than half of the territory 148
 of each such district is in the same county, seven trustees shall 149
 be appointed. Two trustees shall be appointed by the governor with 150
 the advice and consent of the senate. Not more than one of such 151
 trustees appointed shall be an employee of a governmental agency. 152
 Of the initial appointments, one shall be for a term ending two 153
 years after the date upon which the technical college district was 154
 created and one for a term ending three years after that date. The 155
 successive terms of trustees appointed by the governor shall be 156
 for three years, each term ending on the same day of the same 157
 month of the year as did the term which it succeeds. ~~Five~~ 158

(1) For trustees not appointed by the governor who are 159
appointed prior to January 1, 2024, five trustees shall be 160
 appointed by the presidents or their representatives of the city 161
 and exempted village boards of education of school districts and 162
 the governing boards of service centers whose territories are 163
 embraced in the technical college district. Prior to the 164
 appointment of the trustees, the president of the board of 165
 education of the city school district having the largest pupil 166
 enrollment shall call a caucus of the presidents of the 167
 aforementioned boards of education at a time and place designated 168
 by such president. At such caucus, the board presidents or their 169
 representatives shall select five trustees by majority vote of 170
 those attending. Not more than two of such trustees selected shall 171
 be employees of any governmental agency. Of the initial 172
 appointments, two shall be for one year terms, two shall be for 173
 two year terms, and one shall be for a three year term. If there 174

is a vacancy, such vacancy shall be filled by the authority making 175
the original appointment for the balance of the unexpired term. 176

(2) For trustees not appointed by the governor who are 177
appointed on or after January 1, 2024, five trustees shall be 178
appointed by a trustee selection committee. 179

The executive committee of the technical college's board of 180
trustees shall appoint the members of the trustee selection 181
committee. The trustee selection committee shall consist of either 182
three or five members who are local business, civic, or nonprofit 183
leaders and who are not current sitting members of the technical 184
college's board of trustees. The board of trustees shall nominate 185
individuals to be considered by the trustee selection committee. 186
The trustee selection committee may select new trustees from the 187
individuals nominated by the board of trustees or other 188
applicants. To the greatest extent possible, trustees appointed by 189
the trustee selection committee shall be individuals who hold 190
leadership positions within significant industries in the 191
technical college district. Trustees appointed by the trustee 192
selection committee shall reside within the technical college 193
district. The terms of office for trustees appointed by the 194
trustee selection committee shall be for three years. Trustees 195
shall be appointed with the advice and consent of the senate. 196

(B) If a technical college district embraces territory other 197
than described in division (A) of this section, nine trustees 198
shall be appointed. Three trustees shall be appointed by the 199
governor with the advice and consent of the senate. Not more than 200
one of such trustees appointed shall be an employee of a 201
governmental agency. Of the initial appointments, one shall be for 202
a term ending one year after the date upon which the technical 203
college district was created, one for a term ending two years 204
after that date, and one for a term ending three years after that 205

date. ~~The successive terms of trustees appointed by the governor shall be for three created, one for a term ending two years after that date, and one for a term ending three years after that date.~~
 The successive terms of trustees appointed by the governor shall be for three years, each term ending on the same day of the same month of the year as did the term which it succeeds. ~~Six~~

(1) For trustees not appointed by the governor who are appointed prior to January 1, 2024, six trustees shall be appointed by the presidents or their representatives of the city and exempted village boards of education of school districts and the governing boards of service districts whose territories are embraced in the technical college district. Prior to the appointment of the trustees, the president of the board of education of the city school district having the largest pupil enrollment shall call a caucus of the presidents of the foregoing boards of education at a time and place designated by such president. At such caucus, the board presidents or their representatives shall select six trustees by majority vote of those attending. Not more than two of such trustees selected shall be employees of any governmental agency. Of the initial appointments, two shall be for one year terms, two shall be for two year terms, and two shall be for three year terms. If there is a vacancy, such vacancy shall be filled by the authority making the original appointment for the balance of the unexpired term.

(2) For trustees not appointed by the governor who are appointed on or after January 1, 2024, five trustees shall be appointed by a trustee selection committee.

The executive committee of the technical college's board of trustees shall appoint the members of the trustee selection committee. The trustee selection committee shall consist of either

three or five members who are local business, civic, or nonprofit 236
leaders and who are not current sitting members of the technical 237
college's board of trustees. The board of trustees shall nominate 238
individuals to be considered by the trustee selection committee. 239
The trustee selection committee may select new trustees from the 240
individuals nominated by the board of trustees or other 241
applicants. To the greatest extent possible, trustees appointed by 242
the trustee selection committee shall be individuals who hold 243
leadership positions within significant industries in the 244
technical college district. Trustees appointed by the trustee 245
selection committee shall reside within the technical college 246
district. The terms of office for trustees appointed by the 247
trustee selection committee shall be for three years. Trustees 248
shall be appointed with the advice and consent of the senate. 249

(C) A board of trustees of a technical college district 250
 established prior to November 5, 1965, may, by a resolution 251
 approved by a majority of the members of the board, abolish such 252
 board. Immediately thereafter, a new board shall be appointed 253
 under division (A) of this section, except that the persons 254
 serving on the board at the time of its dissolution shall be 255
 appointed to initial appointments which most nearly coincide in 256
 length with the time remaining in their terms at the time those 257
 terms were terminated under this division." 258

After line 49660, insert: 259

"Sec. 3358.03. The government of a state community college 260
 district is vested in a board of nine trustees who shall be 261
 appointed by the governor with the advice and consent of the 262
 senate. Within ninety days after a state community college 263
 district is created pursuant to section 3358.02 of the Revised 264
 Code, the governor shall make initial appointments to the board. 265

Of these appointments three shall be for terms ending two years 266
after the date upon which the district was created, three shall be 267
for terms ending four years after that date, and three shall be 268
for terms ending six years after that date. Thereafter, the 269
successive terms of trustees shall be for six years, each term 270
ending on the same day of the same month of the year as did the 271
term which it succeeds. Each trustee shall hold office from the 272
date of appointment until the end of the term for which the 273
trustee was appointed. Any trustee appointed to fill a vacancy 274
occurring prior to the expiration of the term for which the 275
trustee's predecessor was appointed shall hold office for the 276
remainder of such term. Any trustee shall continue in office 277
subsequent to the expiration date of the trustee's term until the 278
trustee's successor takes office, ~~or until a period of sixty days~~ 279
~~has elapsed, whichever occurs first~~. Where a state community 280
college district succeeds to the operations of a state general and 281
technical college, or a technical college district, the initial 282
board of trustees of the district shall be composed of the members 283
of the board of trustees of the state general and technical 284
college, or a technical college district, to serve for the balance 285
of their existing terms, and such additional number appointed by 286
the governor, with the advice and consent of the senate, as will 287
total nine members; and the terms of such members appointed by the 288
governor originally and to all succeeding terms shall be such 289
that, in combination with the original remaining terms of the 290
members from the technical college district, the eventual result 291
will be that three terms will expire every second year. Appointees 292
shall be qualified electors of the state. The trustees shall 293
receive no compensation for their services, but may be paid for 294
their reasonably necessary expenses while engaged in the discharge 295
of their official duties. A majority of the sitting members of the 296

board at the time of a meeting constitutes a quorum." 297

In line 108827, after "3353.02," insert "3354.05, 3357.021, 298

3357.05, 3358.03," 299

The motion was _____ agreed to.

SYNOPSIS

Two-year institution board of trustee 300

R.C. 3354.05, 3357.05, and 3358.03 301

Permits a member of a technical college, community college, 302
 or state community college board of trustees whose term has 303
 expired to continue in office until the trustee's successor takes 304
 office. 305

States that for technical college, community college, and 306
 state community college boards of trustees, a majority of the 307
 sitting board members at the time of a meeting constitutes a 308
 quorum. 309

Technical college trustee appointments 310

R.C. 3357.05 and 3357.021 311

Beginning with trustees appointed on or after January 1, 312
 2024, transfers appointing power for technical college boards of 313
 trustees from school district boards of education to a trustee 314
 selection committee selected by the technical college board of 315
 trustee's executive committee. 316

Requires a trustee selection committee to consist of either 317
 three or five members who are local business, civic, or nonprofit 318
 leaders who are not current sitting members of the technical 319

college's board of trustees.	320
Permits a trustee selection committee to select new trustees	321
from individuals nominated by the current board of trustees or	322
from other applicants.	323
Does all of the following regarding trustees appointed by a	324
trustee selection committee:	325
-Requires, to the greatest extent possible, trustees to be	326
individuals who hold leadership positions within significant	327
industries in the technical college district;	328
-Requires trustees to reside within the technical college	329
district;	330
-Requires trustees to be appointed with the advice and	331
consent of the senate; and	332
-Sets the terms of office for three years.	333
Requires the initial appointment of a trustee not appointed	334
by the governor during the expansion of a technical college	335
district to be made by the technical college board of trustees'	336
trustee selection committee.	337

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 63 of the title, after "3302.07," insert "3310.03,"; 1
after "3310.032," insert "3310.13," 2

In line 64 of the title, after "3310.43," insert "3310.52," 3

In line 65 of the title, after "3313.902," insert "3313.975,
3313.976, 3313.978," 4
5

In line 672, after "3302.07," insert "3310.03,"; after 6
"3310.032," insert "3310.13," 7

In line 673, after "3310.43," insert "3310.52,"; after 8
"3313.902," insert "3313.975, 3313.976, 3313.978," 9

After 37817, insert: 10

"**Sec. 3310.03.** For the 2021-2022 school year and each school 11
year thereafter, subject to division (G) of this section, a 12
student is an "eligible student" for purposes of the educational 13
choice scholarship pilot program if the student's resident 14
district is not a school district in which the pilot project 15
scholarship program is operating under sections 3313.974 to 16
3313.979 of the Revised Code, the student satisfies one of the 17
conditions in division (A), (B), or (C) of this section, and the 18
student maintains eligibility to receive a scholarship under 19
division (D) of this section. 20

However, any student who received a scholarship for the 21
2020-2021 school year under this section, as it existed prior to 22
March 2, 2021, shall continue to receive that scholarship until 23
the student completes grade twelve, as long as the student 24
maintains eligibility to receive a scholarship under division (D) 25
of this section. 26

(A)(1) A student is eligible for a scholarship if the student 27
is enrolled in a school building operated by the student's 28
resident district and to which both of the following apply: 29

(a) The building was ranked in the lowest twenty per cent of 30
all buildings operated by city, local, and exempted village school 31
districts according to performance index score as determined by 32
the department of education, as follows: 33

(i) For a scholarship sought for the 2021-2022 or 2022-2023 34
school year, the building was ranked in the lowest twenty per cent 35
of buildings for each of the 2017-2018 and 2018-2019 school years. 36

(ii) For a scholarship sought for the 2023-2024 school year, 37
the building was ranked in the lowest twenty per cent of buildings 38
for each of the 2018-2019 and 2021-2022 school years. 39

(iii) For a scholarship sought for the 2024-2025 school year, 40
the building was ranked in the lowest twenty per cent of buildings 41
for each of the 2021-2022 and 2022-2023 school years. 42

(iv) For a scholarship sought for the 2025-2026 school year 43
or any school year thereafter, the building was ranked in the 44
lowest twenty per cent of buildings for at least two of the three 45
most recent consecutive rankings issued prior to the first day of 46
July of the school year for which a scholarship is sought. 47

(b) The building is operated by a school district in which, 48
for the three consecutive school years prior to the school year 49

for which a scholarship is sought, an average of twenty per cent
or more of the students entitled to attend school in the district,
under section 3313.64 or 3313.65 of the Revised Code, were
qualified to be included in the formula to distribute funds under
Title I of the "Elementary and Secondary Education Act of 1965,"
20 U.S.C. 6301 et seq.

When ranking school buildings under division (A)(1) of this
section, the department shall not include buildings operated by a
school district in which the pilot project scholarship program is
operating in accordance with sections 3313.974 to 3313.979 of the
Revised Code.

(2) A student is eligible for a scholarship if the student
will be enrolling in any of grades kindergarten through twelve in
this state for the first time in the school year for which a
scholarship is sought, will be at least five years of age, as
defined in section 3321.01 of the Revised Code, by the first day
of January of the school year for which a scholarship is sought,
and otherwise would be assigned under section 3319.01 of the
Revised Code in the school year for which a scholarship is sought,
to a school building described in division (A)(1) of this section.

(3) A student is eligible for a scholarship if the student is
enrolled in a community school established under Chapter 3314. of
the Revised Code but otherwise would be assigned under section
3319.01 of the Revised Code to a building described in division
(A)(1) of this section.

(4) A student is eligible for a scholarship if the student is
enrolled in a school building operated by the student's resident
district or in a community school established under Chapter 3314.
of the Revised Code and otherwise would be assigned under section
3319.01 of the Revised Code to a school building described in

division (A)(1) of this section in the school year for which the scholarship is sought. 80
81

(5) A student is eligible for a scholarship if the student was enrolled in a public or nonpublic school or was homeschooled in the prior school year and completed any of grades eight through eleven in that school year and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(1) of this section in the school year for which the scholarship is sought. 82
83
84
85
86
87
88

(B) A student is eligible for a scholarship if the student is enrolled in a nonpublic school at the time the school is granted a charter by the state board of education under section 3301.16 of the Revised Code and the student meets the standards of division (B) of section 3310.031 of the Revised Code. 89
90
91
92
93

(C) A student is eligible for a scholarship if the student's resident district is subject to section 3302.10 of the Revised Code and the student either: 94
95
96

(1) Is enrolled in a school building operated by the resident district or in a community school established under Chapter 3314. of the Revised Code; 97
98
99

(2) Will be both enrolling in any of grades kindergarten through twelve in this state for the first time and at least five years of age by the first day of January of the school year for which a scholarship is sought. 100
101
102
103

(D) A student who receives a scholarship under the educational choice scholarship pilot program remains an eligible student and may continue to receive scholarships in subsequent school years until the student completes grade twelve, so long as all of the following apply: 104
105
106
107
108

(1) The student's resident district remains the same, or the student transfers to a new resident district and otherwise would be assigned in the new resident district to a school building described in division (A)(1) or (C) of this section.	109 110 111 112
(2) The student takes each assessment prescribed for the student's grade level under section 3301.0710, 3301.0712, or 3313.619 of the Revised Code while enrolled in a chartered nonpublic school, unless one of the following applies to the student:	113 114 115 116 117
(a) The student is excused from taking that assessment under federal law, the student's individualized education program, or division (C)(1)(c)(i) of section 3301.0711 of the Revised Code.	118 119 120
(b) The student is enrolled in a chartered nonpublic school that meets the conditions specified in division (K)(2) or (L)(4) of section 3301.0711 of the Revised Code.	121 122 123
(c) The student is enrolled in any of grades three to eight and takes an alternative standardized assessment under division (K)(1) of section 3301.0711 of the Revised Code.	124 125 126
(d) The student is excused from taking the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code pursuant to division (C)(1)(c)(ii) of section 3301.0711 of the Revised Code.	127 128 129 130
(3) In each school year that the student is enrolled in a chartered nonpublic school, the student is absent from school for not more than twenty days that the school is open for instruction, not including excused absences.	131 132 133 134
(E)(1) The department shall cease awarding first-time scholarships pursuant to divisions (A)(1) to (5) of this section with respect to a school building that, in the most recent ratings	135 136 137

of school buildings under section 3302.03 of the Revised Code 138
prior to the first day of July of the school year, ceases to meet 139
the criteria in division (A)(1) of this section. 140

(2) The department shall cease awarding first-time 141
scholarships pursuant to division (C) of this section with respect 142
to a school district subject to section 3302.10 of the Revised 143
Code when the academic distress commission established for the 144
district ceases to exist. 145

(3) However, students who have received scholarships in the 146
prior school year remain eligible students pursuant to division 147
(D) of this section. 148

(F) The state board of education shall adopt rules defining 149
excused absences for purposes of division (D)(3) of this section. 150

(G) Notwithstanding anything to the contrary in this section 151
or section 3310.031 of the Revised Code, a student shall not be 152
required to be enrolled or enrolling in a school building operated 153
by the student's resident district or a community school in order 154
to be eligible for a scholarship, as follows: 155

(1) For a scholarship sought for the 2021-2022 school year, a 156
student entering any of grades kindergarten through two; 157

(2) For a scholarship sought for the 2022-2023 school year, a 158
student entering any of grades kindergarten through four; 159

(3) For a scholarship sought for the 2023-2024 school year, a 160
student entering any of grades kindergarten through six; 161

(4) For a scholarship sought for the 2024-2025 school year, a 162
student entering any of grades kindergarten through eight; 163

(5) For a scholarship sought for the 2025-2026 school year, 164
and each school year thereafter, a student entering any of grades 165

kindergarten through twelve.

166

(G) Except as provided for in division (C)(2) of section 3365.07 of the Revised Code, the department shall not require the parent of a student who applies for or receives a scholarship under this section or section 3310.033, 3310.034, or 3310.035 of the Revised Code to complete any kind of income verification regarding the student's family income."

167

168

169

170

171

172

After line 37924, insert:

173

~~"Sec. 3310.13. (A) No chartered nonpublic school shall charge any student whose family income is at or below two hundred per cent of the federal poverty guidelines, as defined in section 5101.46 of the Revised Code, a tuition fee that is greater than the total amount paid for that student under section 3317.022 of the Revised Code.~~

174

175

176

177

178

179

~~(B)~~ A chartered nonpublic school may charge any ~~other~~ student who is paid a scholarship under ~~that~~ section 3317.022 of the Revised Code up to the difference between the amount of the scholarship and the regular tuition charge of the school. Each chartered nonpublic school may permit such an eligible student's family to provide volunteer services in lieu of cash payment to pay all or part of the amount of the school's tuition not covered by the scholarship paid under section 3317.022 of the Revised Code.

180

181

182

183

184

185

186

187

188

~~(C)~~(B) Each chartered nonpublic school that charges a scholarship student an additional amount as authorized under division ~~(B)~~(A) of this section shall annually report to the department of education in the manner prescribed by the department the following:

189

190

191

192

193

(1) The number of students charged;

194

(2) The average of the amounts charged to such students."	195
After line 38115, insert:	196
<u>"(H) The department shall not require the parent of a student</u>	197
<u>who applies for or receives a scholarship under this section to</u>	198
<u>complete any kind of income verification regarding the student's</u>	199
<u>family income."</u>	200
After line 38157, insert:	201
" Sec. 3310.52. (A) The Jon Peterson special needs scholarship	202
program is hereby established. Under the program, beginning with	203
the 2012-2013 school year, subject to division (B) of this	204
section, the department of education annually shall pay a	205
scholarship under section 3317.022 of the Revised Code to an	206
eligible applicant for services provided by an alternative public	207
provider or a registered private provider for a qualified special	208
education child. The scholarship shall be used only to pay all or	209
part of the fees for the child to attend the special education	210
program operated by the alternative public provider or registered	211
private provider to implement the child's individualized education	212
program, in lieu of the child's attending the special education	213
program operated by the school district in which the child is	214
entitled to attend school, and other services agreed to by the	215
provider and eligible applicant that are not included in the	216
individualized education program but are associated with educating	217
the child. Beginning in the 2014-2015 school year, if the child is	218
receiving special education services for a disability specified in	219
division (A) of section 3317.013 of the Revised Code, the	220
scholarship shall be used only to pay for related services that	221
are included in the child's individualized education program. Upon	222
agreement with the eligible applicant, the alternative public	223

provider or registered private provider may modify the services 224
provided to the child. 225

(B) The number of scholarships awarded under the program in 226
any fiscal year shall not exceed five per cent of the total number 227
of students residing in the state identified as children with 228
disabilities during the previous fiscal year. 229

(C) The department shall pay a scholarship under section 230
3317.022 of the Revised Code to the parent of each qualified 231
special education child, unless the parent authorizes a direct 232
payment to the child's provider, upon application of that parent 233
in the manner prescribed by the department. However, the 234
department shall not adopt specific dates for application 235
deadlines for scholarships under the program. 236

(D) The department shall not require the parent of a student 237
who applies for or receives a scholarship under this section to 238
complete any kind of income verification regarding the student's 239
family income." 240

After line 39584, insert: 241

"**Sec. 3313.975.** As used in this section and in sections 242
3313.976 to 3313.979 of the Revised Code, "the pilot project 243
school district" or "the district" means any school district 244
included in the pilot project scholarship program pursuant to this 245
section. 246

(A) The superintendent of public instruction shall establish 247
a pilot project scholarship program and shall include in such 248
program any school districts that are or have ever been under 249
federal court order requiring supervision and operational 250
management of the district by the state superintendent. The 251
program shall provide for a number of students residing in any 252

such district to receive scholarships to attend alternative 253
schools, and for an equal number of students to receive tutorial 254
assistance grants while attending public school in any such 255
district. 256

(B) The state superintendent shall establish an application 257
process and deadline for accepting applications from students 258
residing in the district to participate in the scholarship 259
program. In the initial year of the program students may only use 260
a scholarship to attend school in grades kindergarten through 261
third. 262

The state superintendent shall award as many scholarships and 263
tutorial assistance grants as can be funded given the amount 264
appropriated for the program. 265

(C)(1) The pilot project program shall continue in effect 266
each year that the general assembly has appropriated sufficient 267
money to fund scholarships and tutorial assistance grants. In each 268
year the program continues, new students may receive scholarships 269
in grades kindergarten to twelve. A student who has received a 270
scholarship may continue to receive one until the student has 271
completed grade twelve. 272

(2) If the general assembly discontinues the scholarship 273
program, all students who are attending an alternative school 274
under the pilot project shall be entitled to continued admittance 275
to that specific school through all grades that are provided in 276
such school, under the same conditions as when they were 277
participating in the pilot project. The state superintendent shall 278
continue to make scholarship payments in accordance with section 279
3317.022 of the Revised Code for students who remain enrolled in 280
an alternative school under this provision in any year that funds 281
have been appropriated for this purpose. 282

If funds are not appropriated, the tuition charged to the parents of a student who remains enrolled in an alternative school under this provision shall not be increased beyond the amount equal to the amount of the scholarship plus any additional amount charged that student's parent in the most recent year of attendance as a participant in the pilot project, except that tuition for all the students enrolled in such school may be increased by the same percentage.

(D) Notwithstanding sections 124.39 and 3311.83 of the Revised Code, if the pilot project school district experiences a decrease in enrollment due to participation in a state-sponsored scholarship program pursuant to sections 3313.974 to 3313.979 of the Revised Code, the district board of education may enter into an agreement with any teacher it employs to provide to that teacher severance pay or early retirement incentives, or both, if the teacher agrees to terminate the employment contract with the district board, provided any collective bargaining agreement in force pursuant to Chapter 4117. of the Revised Code does not prohibit such an agreement for termination of a teacher's employment contract.

(E) Except as provided for in division (C)(2) of section 3365.07 of the Revised Code, the director shall not require the parent of a student who applies for or receives a scholarship under the pilot project program to complete any kind of income verification regarding the student's family income.

Sec. 3313.976. (A) No private school may receive scholarship payments from parents pursuant to section 3317.022 of the Revised Code until the chief administrator of the private school registers the school with the superintendent of public instruction. The state superintendent shall register any school that meets the

following requirements:	313
(1) The school does any of the following:	314
(a) Offers any of grades kindergarten through twelve and is located within the boundaries of the pilot project school district;	315 316 317
(b) Offers any of grades kindergarten through twelve and is located within the boundaries of a city, local, or exempted village school district that is both:	318 319 320
(i) Located in a municipal corporation with a population of fifteen thousand or more;	321 322
(ii) Located within five miles of the border of the pilot project school district.	323 324
(c) Offers all of grades pre-kindergarten through eight, but not any of grades nine through twelve, and is located within the boundaries of a city, local, or exempted village school district that is:	325 326 327 328
(i) Located in a municipal corporation with a population of greater than ten thousand but less than thirteen thousand;	329 330
(ii) Located within five miles of the border of the pilot project school district;	331 332
(iii) Located in the same county as the pilot project school district.	333 334
(2) The school indicates in writing its commitment to follow all requirements for a state-sponsored scholarship program specified under sections 3313.974 to 3313.979 of the Revised Code, including, but not limited to, the requirements for admitting students pursuant to section 3313.977 of the Revised Code;	335 336 337 338 339

(3) The school meets all state minimum standards for 340
 chartered nonpublic schools in effect on July 1, 1992, except that 341
 the state superintendent at the superintendent's discretion may 342
 register nonchartered nonpublic schools meeting the other 343
 requirements of this division; 344

(4) The school does not discriminate on the basis of race, 345
 religion, or ethnic background; 346

(5) The school enrolls a minimum of ten students per class or 347
 a sum of at least twenty-five students in all the classes offered; 348

(6) The school does not advocate or foster unlawful behavior 349
 or teach hatred of any person or group on the basis of race, 350
 ethnicity, national origin, or religion; 351

(7) The school does not provide false or misleading 352
 information about the school to parents, students, or the general 353
 public; 354

~~(8) For students in grades kindergarten through eight with 355
 family incomes at or below two hundred per cent of the federal 356
 poverty guidelines, as defined in section 5104.46 of the Revised 357
 Code, the school agrees not to charge any tuition in excess of the 358
 scholarship amount established pursuant to division (A)(11)(a) of 359
 section 3317.022 of the Revised Code, excluding any increase 360
 described in that division. 361~~

~~(9) For students in grades kindergarten through eight with 362
 family incomes above two hundred per cent of the federal poverty 363
 guidelines, whose scholarship amounts are less than the actual 364
 tuition charge of the school, the school agrees not to charge any 365
 tuition in excess of the difference between the actual tuition 366
 charge of the school and the scholarship amount established 367
 pursuant to division (A)(11)(a) of section 3317.022 of the Revised 368~~

Code, excluding any increase described in that division. The 369
school shall permit such tuition, at the discretion of the parent, 370
to be satisfied by the family's provision of in-kind contributions 371
or services. 372

~~(10)~~(9) The school agrees not to charge any tuition to 373
families of students in grades nine through twelve receiving a 374
scholarship in excess of the actual tuition charge of the school 375
less the scholarship amount established pursuant to division 376
(A)(11)(a) of section 3317.022 of the Revised Code, excluding any 377
increase described in that division. 378

~~(11)~~(10) It annually administers the applicable assessments 379
prescribed by section 3301.0710, 3301.0712, or 3313.619 of the 380
Revised Code to each scholarship student enrolled in the school in 381
accordance with section 3301.0711 or 3301.0712 of the Revised Code 382
and reports to the department of education the results of each 383
such assessment administered to each scholarship student, unless 384
one of the following applies to the student: 385

(a) The student is excused from taking that assessment under 386
federal law, the student's individualized education program, or 387
division (C)(1)(c)(i) of section 3301.0711 of the Revised Code. 388

(b) The student is enrolled in a chartered nonpublic school 389
that meets the conditions specified in division (K)(2) or (L)(4) 390
of section 3301.0711 of the Revised Code. 391

(c) The student is enrolled in any of grades three to eight 392
and takes an alternative standardized assessment under division 393
(K)(1) of section 3301.0711 of the Revised Code. 394

(d) The student is excused from taking the assessment 395
prescribed under division (B)(1) of section 3301.0712 of the 396
Revised Code pursuant to division (C)(1)(c)(ii) of section 397
3301.0711 of the Revised Code. 398

(B) The state superintendent shall revoke the registration of any school if, after a hearing, the superintendent determines that the school is in violation of any of the provisions of division (A) of this section.

(C) Any public school located in a school district adjacent to the pilot project school district may receive scholarship payments on behalf of parents pursuant to section 3317.022 of the Revised Code if the superintendent of the district in which such public school is located notifies the state superintendent prior to the first day of March that the district intends to admit students from the pilot project school district for the ensuing school year pursuant to section 3327.06 of the Revised Code.

(D) Any parent wishing to purchase tutorial assistance from any person or governmental entity pursuant to the pilot project program under sections 3313.974 to 3313.979 of the Revised Code shall apply to the state superintendent. The state superintendent shall approve providers who appear to possess the capability of furnishing the instructional services they are offering to provide.

Sec. 3313.978. (A) Annually by the first day of November, the superintendent of public instruction shall notify the pilot project school district of the number of initial scholarships that the state superintendent will be awarding in each of grades kindergarten through twelve.

The state superintendent shall provide information about the scholarship program to all students residing in the district and shall accept applications from any such students during the application period established under division (H) of this section.

(1) A student receiving a pilot project scholarship may

utilize it at an alternative public school by notifying the 428
district superintendent, of the name of the public school in an 429
adjacent school district to which the student has been accepted 430
pursuant to section 3327.06 of the Revised Code. 431

(2) A student may decide to utilize a pilot project 432
scholarship at a registered private school in the district if all 433
of the following conditions are met: 434

(a) The parent makes an application on behalf of the student 435
to a registered private school. 436

(b) The registered private school notifies the parent and the 437
state superintendent as follows that the student has been 438
admitted: 439

(i) By the school pursuant to division (A) of section 440
3313.977 of the Revised Code; 441

(ii) By the school pursuant to division (C) of section 442
3313.977 of the Revised Code. 443

(c) The student actually enrolls in the registered private 444
school to which the student was first admitted or in another 445
registered private school in the district or in a public school in 446
an adjacent school district. 447

(B) The state superintendent shall also award in any school 448
year tutorial assistance grants to a number of students equal to 449
the number of students who receive scholarships under division (A) 450
of this section. Tutorial assistance grants shall be awarded 451
solely to students who are enrolled in the public schools of the 452
district in a grade level covered by the pilot project. Tutorial 453
assistance grants may be used solely to obtain tutorial assistance 454
from a provider approved pursuant to division (D) of section 455
3313.976 of the Revised Code. 456

All students wishing to obtain tutorial assistance grants 457
shall make application to the state superintendent by the first 458
day of the school year in which the assistance will be used. The 459
state superintendent shall award assistance grants in accordance 460
with criteria the superintendent shall establish. 461

(C) In the case of tutorial assistance grants, the grant 462
amount shall not exceed the lesser of the provider's actual 463
charges for such assistance or: 464

(1) Before fiscal year 2007, a percentage established by the 465
state superintendent, not to exceed twenty per cent, of the amount 466
of the pilot project school district's average basic scholarship 467
amount; 468

(2) In fiscal year 2007 and thereafter, four hundred dollars. 469

(D)(1) Annually by the first day of November, the state 470
superintendent shall estimate the maximum per-pupil scholarship 471
amounts for the ensuing school year. The state superintendent 472
shall make this estimate available to the general public at the 473
offices of the district board of education together with the forms 474
required by division (D)(2) of this section. 475

(2) Annually by the fifteenth day of January, the chief 476
administrator of each registered private school located in the 477
pilot project district and the principal of each public school in 478
such district shall complete a parental information form and 479
forward it to the president of the board of education. The 480
parental information form shall be prescribed by the department of 481
education and shall provide information about the grade levels 482
offered, the numbers of students, tuition amounts, achievement 483
test results, and any sectarian or other organizational 484
affiliations. 485

(E)(1) Only for the purpose of administering the pilot project scholarship program, the department may request from any of the following entities the data verification code assigned under division (D)(2) of section 3301.0714 of the Revised Code to any student who is seeking a scholarship under the program:

(a) The school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code;

(b) If applicable, the community school in which the student is enrolled;

(c) The independent contractor engaged to create and maintain data verification codes.

(2) Upon a request by the department under division (E)(1) of this section for the data verification code of a student seeking a scholarship or a request by the student's parent for that code, the school district or community school shall submit that code to the department or parent in the manner specified by the department. If the student has not been assigned a code, because the student will be entering kindergarten during the school year for which the scholarship is sought, the district shall assign a code to that student and submit the code to the department or parent by a date specified by the department. If the district does not assign a code to the student by the specified date, the department shall assign a code to the student.

The department annually shall submit to each school district the name and data verification code of each student residing in the district who is entering kindergarten, who has been awarded a scholarship under the program, and for whom the department has assigned a code under this division.

(3) The department shall not release any data verification code that it receives under division (E) of this section to any person except as provided by law.

(F) Any document relative to the pilot project scholarship program that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code.

(G)(1) The department annually shall compile the scores attained by scholarship students enrolled in registered private schools on the assessments administered to the students pursuant to division ~~(A)(11)~~(A)(10) of section 3313.976 of the Revised Code. The scores shall be aggregated as follows:

(a) By school district, which shall include all scholarship students residing in the pilot project school district who are enrolled in a registered private school and were required to take an assessment pursuant to division ~~(A)(11)~~(A)(10) of section 3313.976 of the Revised Code;

(b) By registered private school, which shall include all scholarship students enrolled in that school who were required to take an assessment pursuant to division ~~(A)(11)~~(A)(10) of section 3313.976 of the Revised Code.

(2) The department shall disaggregate the student performance data described in division (G)(1) of this section according to the following categories:

(a) Grade level;

(b) Race and ethnicity;

(c) Gender;

(d) Students who have participated in the scholarship program	543
for three or more years;	544
(e) Students who have participated in the scholarship program	545
for more than one year and less than three years;	546
(f) Students who have participated in the scholarship program	547
for one year or less;	548
(g) Economically disadvantaged students.	549
(3) The department shall post the student performance data	550
required under divisions (G)(1) and (2) of this section on its web	551
site and shall include that data in the information about the	552
scholarship program provided to students under division (A) of	553
this section. In reporting student performance data under this	554
division, the department shall not include any data that is	555
statistically unreliable or that could result in the	556
identification of individual students. For this purpose, the	557
department shall not report performance data for any group that	558
contains less than ten students.	559
(4) The department shall provide the parent of each	560
scholarship student enrolled in a registered private school with	561
information comparing the student's performance on the assessments	562
administered pursuant to division (A)(11) <u>(A)(10)</u> of section	563
3313.976 of the Revised Code with the average performance of	564
similar students enrolled in the building operated by the pilot	565
project school district that the scholarship student would	566
otherwise attend. In calculating the performance of similar	567
students, the department shall consider age, grade, race and	568
ethnicity, gender, and socioeconomic status.	569
(H) The department shall open the application period on the	570
first day of February prior to the first day of July of the school	571

year for which a scholarship is sought. Not later than forty-five 572
 days after an applicant submits to the department of education a 573
 completed application, the department of education shall determine 574
 whether that applicant is eligible for a scholarship and notify 575
 the applicant whether or not the applicant is eligible. The 576
 department of education shall award a scholarship to each student 577
 with an approved application. However, for any application 578
 submitted after the beginning of the school year, the department 579
 of education shall prorate the amount of the awarded scholarship 580
 based on how much of the school year remains." 581

In line 49792, strike through "under either of those 582
 programs"; after the comma insert "as determined by a method 583
established by the department," 584

In line 108810, after "3302.07," insert "3310.03,"; after 585
 "3310.032," insert "3310.13," 586

In line 108811, after "3310.43," insert "3310.52,"; after 587
 "3313.902," insert "3313.975, 3313.976, 3313.978," 588

The motion was _____ agreed to.

SYNOPSIS

Income verification for state scholarship programs 589

R.C. 3310.03, 3310.41, 3310.52, 3313.13, 3313.975, 3313.976, 590
and 3365.07; conforming change in R.C. 3313.978 591

Prohibits the Department of Education and Workforce from 592
 generally requiring the parent of a student who is applying for, 593
 or receiving, a traditional Ed Choice, Autism, Jon Peterson 594
 Special Needs, or Cleveland scholarship from completing any kind 595

of income verification regarding the student's family income.	596
Creates an exception to that general prohibition for the	597
purposes of qualifying low-income Ed Choice or Cleveland	598
scholarship recipients for a waiver of any tuition, textbooks, or	599
fees related to attending a private college through the College	600
Credit Plus Program.	601
Eliminates the requirement for either of the following to	602
waive any additional tuition above a scholarship amount for a	603
student with a family income at or below 200% of the federal	604
poverty level:	605
(1) A chartered nonpublic school participating in the Ed	606
Choice Scholarship Program; or	607
(2) A private school participating in the Cleveland	608
Scholarship Program.	609

SC2511

21 Exempts an individual who is not required to file a state
22 tax return under continuing law requirements from the
23 requirement to certify income eligibility.

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

- In line 63 of the title, after "3310.032," insert "3310.035," 1
- In line 672, after "3310.032," insert "3310.035," 2
- In line 37862, after "(D)" strike through the balance of the 3
line 4
- Strike through lines 37863 through 37868 5
- In line 37869, strike through "below"; delete "three" and 6
strike through the balance of the line 7
- In line 37870, strike through "guidelines"; delete ", as 8
defined in section 5101.46 of the Revised Code"; strike through 9
the balance of the line 10
- Strike through lines 37871 through 37882 11
- In line 37883, strike through "(E)" 12
- After line 37894, insert: 13
- "**Sec. 3310.035.** (A) A student who is eligible for an 14
educational choice scholarship under both sections 3310.03 and 15
3310.032 of the Revised Code, and applies for a scholarship for 16
the first time after ~~September 29, 2013~~ the effective date of this 17
amendment, shall select which scholarship to receive ~~a scholarship~~ 18
~~under section 3310.03 of the Revised Code.~~ 19

(B) A Except as provided in division (C) of this section, a student who is eligible under both sections 3310.03 and 3310.032 of the Revised Code and received a scholarship in the previous school year shall continue to receive the scholarship under the section from which the student received the scholarship in the previous school year, so long as a student who receives a scholarship under section 3310.03 of the Revised Code satisfies with the conditions specified in divisions (D)(1) to (3) of that section, and a student who receives a scholarship under section 3310.032 satisfies with the conditions specified in divisions (D)(2) and (3) of section 3310.03 of the Revised Code.

(C) A student may change which scholarship the student receives as described in division (A) of this section. A student who chooses to change which scholarship the student receives shall continue to receive that scholarship so long as a student who receives a scholarship under section 3310.03 of the Revised Code satisfies the conditions specified in divisions (D)(1) to (3) of that section, and a student who receives a scholarship under section 3310.032 of the Revised Code satisfies the conditions specified in divisions (D)(2) and (3) of section 3310.03 of the Revised Code."

In line 37914, after "family" insert "adjusted gross"; after "income" insert ", as defined in section 5747.01 of the Revised Code,"

In line 37917, after "family" insert "adjusted gross"; after "income" insert ", as defined in section 5747.01 of the Revised Code,"

In line 108810, after "3310.032," insert "3310.035,"

The motion was _____ agreed to.

SYNOPSIS

Ed Choice Expansion-priority	48
R.C. 3310.032(D)	49
Eliminates the priority order for awarding Ed Choice	50
expansion scholarships if the number of eligible students who	51
apply for a scholarship exceeds the scholarships available based	52
on the appropriation.	53
Ed Choice Expansion-adjusted gross income	54
R.C. 3310.08	55
Bases the income eligibility threshold for an Ed Choice	56
expansion scholarship on a "family's adjusted gross income" rather	57
than "family income."	58
Scholarship selection option	59
R.C. 3310.035	60
Permits a student that qualifies for both an income-based and	61
a performance-based Ed Choice scholarship to select which of those	62
scholarships the student would like to receive.	63
Permits such a student to change which scholarship they	64
receive in each school year.	65

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 63 of the title, after "3310.032," insert "3310.13, 1
3310.16," 2

In line 65 of the title, after "3313.902," insert "3313.976, 3
3313.978," 4

In line 216 of the title, after "3310.08," insert "3310.581," 5

In line 672, after "3310.032," insert "3310.13, 3310.16," 6

In line 673, after "3313.902," insert "3313.976, 3313.978," 7

In line 784, after "3310.08," insert "3310.581," 8

After line 37924, insert: 9

"**Sec. 3310.13.** (A) No chartered nonpublic school shall charge 10
any student whose family income is at or below two hundred per 11
cent of the federal poverty guidelines, as defined in section 12
5101.46 of the Revised Code, a tuition fee that is greater than 13
the total amount paid for that student under section 3317.022 of 14
the Revised Code. 15

(B) A chartered nonpublic school may charge any other student 16
who is paid a scholarship under that section up to the difference 17
between the amount of the scholarship and the regular tuition 18
charge of the school. Each chartered nonpublic school may permit 19

such an eligible student's family to provide volunteer services in lieu of cash payment to pay all or part of the amount of the school's tuition not covered by the scholarship paid under section 3317.022 of the Revised Code.

(C) Each chartered nonpublic school that charges a scholarship student an additional amount as authorized under division (B) of this section shall annually report to the department of education in the manner prescribed by the department the following:

(1) The number of students charged;

(2) The average of the amounts charged to such students.

(D) Not later than the thirtieth day of June of each year, each chartered nonpublic school that enrolls students who receive educational choice scholarships shall submit to the department of education and workforce, in a form and manner prescribed by the department, the tuition rates charged by the school for the following school year.

Sec. 3310.16. (A) For the 2020-2021 school year and each school year thereafter, the department of education shall accept, process, and award scholarships each year for the educational choice scholarship pilot program under sections 3310.03 and 3310.032 of the Revised Code, as follows:

(1) The application period shall open on the first day of February prior to the first day of July of the school year for which a scholarship is sought. Not later than forty-five days after an applicant submits to the department of education a completed application, the department of education shall determine whether that applicant is eligible for a scholarship and notify the applicant whether or not the applicant is eligible. The

department of education shall award a scholarship to each student
with an approved application. However, for any application
submitted on or after the beginning the fifteenth day of October
of the school year for which a scholarship is sought, the
department of education shall prorate the amount of the awarded
scholarship based on how much of the school year remains after the
date of the student's enrollment in the chartered nonpublic
school.

(2) In each school year, the department of education shall
accept applications for conditional approval of a scholarship
sought for that year or the next school year. Not later than five
days after receiving an application under this division, the
department of education shall grant conditional approval to an
applicant who is eligible for a scholarship and notify the
applicant whether or not conditional approval is granted.

(B) If the department determines an application submitted
under this section contains an error or deficiency, the department
shall notify the applicant who submitted that application not
later than fourteen days after the application is submitted.

(C) The departments of education, job and family services,
and taxation shall enter into a data sharing agreement so that, in
administering this section, the department of education shall be
able to determine, based on the address provided in a student's
application, whether that student is eligible for an educational
choice scholarship under section 3310.03 of the Revised Code and
whether the student meets the residency requirements for an
educational choice scholarship under section 3310.032 of the
Revised Code.

(D) No city, local, or exempted village school district shall
have access to an application submitted under this section."

After line 38115, insert: 79

"(H) Not later than the thirtieth day of June each year, each alternative public provider and registered private provider enrolling students receiving autism scholarships shall submit to the department, in a form and manner prescribed by the department, the tuition rates charged by the provider for the following school year." 80
81
82
83
84
85

After line 38157, insert: 86

"Sec. 3310.581. Not later than the thirtieth day of June each year, each alternative public provider and registered private provider enrolling students receiving a scholarship shall submit to the department of education and workforce, in a form and manner prescribed by the department, the tuition rates charged by the provider for the following school year." 87
88
89
90
91
92

After line 39584, insert: 93

"Sec. 3313.976. (A) No private school may receive scholarship payments from parents pursuant to section 3317.022 of the Revised Code until the chief administrator of the private school registers the school with the superintendent of public instruction. The state superintendent shall register any school that meets the following requirements: 94
95
96
97
98
99

(1) The school does any of the following: 100

(a) Offers any of grades kindergarten through twelve and is located within the boundaries of the pilot project school district; 101
102
103

(b) Offers any of grades kindergarten through twelve and is located within the boundaries of a city, local, or exempted 104
105

village school district that is both:	106
(i) Located in a municipal corporation with a population of fifteen thousand or more;	107 108
(ii) Located within five miles of the border of the pilot project school district.	109 110
(c) Offers all of grades pre-kindergarten through eight, but not any of grades nine through twelve, and is located within the boundaries of a city, local, or exempted village school district that is:	111 112 113 114
(i) Located in a municipal corporation with a population of greater than ten thousand but less than thirteen thousand;	115 116
(ii) Located within five miles of the border of the pilot project school district;	117 118
(iii) Located in the same county as the pilot project school district.	119 120
(2) The school indicates in writing its commitment to follow all requirements for a state-sponsored scholarship program specified under sections 3313.974 to 3313.979 of the Revised Code, including, but not limited to, the requirements for admitting students pursuant to section 3313.977 of the Revised Code;	121 122 123 124 125
(3) The school meets all state minimum standards for chartered nonpublic schools in effect on July 1, 1992, except that the state superintendent at the superintendent's discretion may register nonchartered nonpublic schools meeting the other requirements of this division;	126 127 128 129 130
(4) The school does not discriminate on the basis of race, religion, or ethnic background;	131 132
(5) The school enrolls a minimum of ten students per class or	133

a sum of at least twenty-five students in all the classes offered; 134

(6) The school does not advocate or foster unlawful behavior 135
or teach hatred of any person or group on the basis of race, 136
ethnicity, national origin, or religion; 137

(7) The school does not provide false or misleading 138
information about the school to parents, students, or the general 139
public; 140

(8) For students in grades kindergarten through eight with 141
family incomes at or below two hundred per cent of the federal 142
poverty guidelines, as defined in section ~~5104.46~~ 5101.46 of the 143
Revised Code, the school agrees not to charge any tuition in 144
excess of the scholarship amount established pursuant to division 145
(A)(11)(a) of section 3317.022 of the Revised Code, excluding any 146
increase described in that division. 147

(9) For students in grades kindergarten through eight with 148
family incomes above two hundred per cent of the federal poverty 149
guidelines, whose scholarship amounts are less than the actual 150
tuition charge of the school, the school agrees not to charge any 151
tuition in excess of the difference between the actual tuition 152
charge of the school and the scholarship amount established 153
pursuant to division (A)(11)(a) of section 3317.022 of the Revised 154
Code, excluding any increase described in that division. The 155
school shall permit such tuition, at the discretion of the parent, 156
to be satisfied by the family's provision of in-kind contributions 157
or services. 158

(10) The school agrees not to charge any tuition to families 159
of students in grades nine through twelve receiving a scholarship 160
in excess of the actual tuition charge of the school less the 161
scholarship amount established pursuant to division (A)(11)(a) of 162
section 3317.022 of the Revised Code, excluding any increase 163

described in that division. 164

(11) It annually administers the applicable assessments 165
prescribed by section 3301.0710, 3301.0712, or 3313.619 of the 166
Revised Code to each scholarship student enrolled in the school in 167
accordance with section 3301.0711 or 3301.0712 of the Revised Code 168
and reports to the department of education the results of each 169
such assessment administered to each scholarship student, unless 170
one of the following applies to the student: 171

(a) The student is excused from taking that assessment under 172
federal law, the student's individualized education program, or 173
division (C)(1)(c)(i) of section 3301.0711 of the Revised Code. 174

(b) The student is enrolled in a chartered nonpublic school 175
that meets the conditions specified in division (K)(2) or (L)(4) 176
of section 3301.0711 of the Revised Code. 177

(c) The student is enrolled in any of grades three to eight 178
and takes an alternative standardized assessment under division 179
(K)(1) of section 3301.0711 of the Revised Code. 180

(d) The student is excused from taking the assessment 181
prescribed under division (B)(1) of section 3301.0712 of the 182
Revised Code pursuant to division (C)(1)(c)(ii) of section 183
3301.0711 of the Revised Code. 184

(B) The state superintendent shall revoke the registration of 185
any school if, after a hearing, the superintendent determines that 186
the school is in violation of any of the provisions of division 187
(A) of this section. 188

(C) Any public school located in a school district adjacent 189
to the pilot project school district may receive scholarship 190
payments on behalf of parents pursuant to section 3317.022 of the 191
Revised Code if the superintendent of the district in which such 192

public school is located notifies the state superintendent prior 193
to the first day of March that the district intends to admit 194
students from the pilot project school district for the ensuing 195
school year pursuant to section 3327.06 of the Revised Code. 196

(D) Any parent wishing to purchase tutorial assistance from 197
any person or governmental entity pursuant to the pilot project 198
program under sections 3313.974 to 3313.979 of the Revised Code 199
shall apply to the state superintendent. The state superintendent 200
shall approve providers who appear to possess the capability of 201
furnishing the instructional services they are offering to 202
provide. 203

(E) Not later than the thirtieth day of June of each year, 204
each private school registered under this section shall submit to 205
the director of education and workforce, in a form and manner 206
prescribed by the director, the tuition rates charged by the 207
school for the following school year. 208

Sec. 3313.978. (A) Annually by the first day of November, the 209
superintendent of public instruction shall notify the pilot 210
project school district of the number of initial scholarships that 211
the state superintendent will be awarding in each of grades 212
kindergarten through twelve. 213

The state superintendent shall provide information about the 214
scholarship program to all students residing in the district and 215
shall accept applications from any such students during the 216
application period established under division (H) of this section. 217

(1) A student receiving a pilot project scholarship may 218
utilize it at an alternative public school by notifying the 219
district superintendent, of the name of the public school in an 220
adjacent school district to which the student has been accepted 221

pursuant to section 3327.06 of the Revised Code.	222
(2) A student may decide to utilize a pilot project scholarship at a registered private school in the district if all of the following conditions are met:	223 224 225
(a) The parent makes an application on behalf of the student to a registered private school.	226 227
(b) The registered private school notifies the parent and the state superintendent as follows that the student has been admitted:	228 229 230
(i) By the school pursuant to division (A) of section 3313.977 of the Revised Code;	231 232
(ii) By the school pursuant to division (C) of section 3313.977 of the Revised Code.	233 234
(c) The student actually enrolls in the registered private school to which the student was first admitted or in another registered private school in the district or in a public school in an adjacent school district.	235 236 237 238
(B) The state superintendent shall also award in any school year tutorial assistance grants to a number of students equal to the number of students who receive scholarships under division (A) of this section. Tutorial assistance grants shall be awarded solely to students who are enrolled in the public schools of the district in a grade level covered by the pilot project. Tutorial assistance grants may be used solely to obtain tutorial assistance from a provider approved pursuant to division (D) of section 3313.976 of the Revised Code.	239 240 241 242 243 244 245 246 247
All students wishing to obtain tutorial assistance grants shall make application to the state superintendent by the first day of the school year in which the assistance will be used. The	248 249 250

state superintendent shall award assistance grants in accordance 251
with criteria the superintendent shall establish. 252

(C) In the case of tutorial assistance grants, the grant 253
amount shall not exceed the lesser of the provider's actual 254
charges for such assistance or: 255

(1) Before fiscal year 2007, a percentage established by the 256
state superintendent, not to exceed twenty per cent, of the amount 257
of the pilot project school district's average basic scholarship 258
amount; 259

(2) In fiscal year 2007 and thereafter, four hundred dollars. 260

(D)(1) Annually by the first day of November, the state 261
superintendent shall estimate the maximum per-pupil scholarship 262
amounts for the ensuing school year. The state superintendent 263
shall make this estimate available to the general public at the 264
offices of the district board of education together with the forms 265
required by division (D)(2) of this section. 266

(2) Annually by the fifteenth day of January, the chief 267
administrator of each registered private school located in the 268
pilot project district and the principal of each public school in 269
such district shall complete a parental information form and 270
forward it to the president of the board of education. The 271
parental information form shall be prescribed by the department of 272
education and shall provide information about the grade levels 273
offered, the numbers of students, tuition amounts, achievement 274
test results, and any sectarian or other organizational 275
affiliations. 276

(E)(1) Only for the purpose of administering the pilot 277
project scholarship program, the department may request from any 278
of the following entities the data verification code assigned 279

under division (D)(2) of section 3301.0714 of the Revised Code to 280
any student who is seeking a scholarship under the program: 281

(a) The school district in which the student is entitled to 282
attend school under section 3313.64 or 3313.65 of the Revised 283
Code; 284

(b) If applicable, the community school in which the student 285
is enrolled; 286

(c) The independent contractor engaged to create and maintain 287
data verification codes. 288

(2) Upon a request by the department under division (E)(1) of 289
this section for the data verification code of a student seeking a 290
scholarship or a request by the student's parent for that code, 291
the school district or community school shall submit that code to 292
the department or parent in the manner specified by the 293
department. If the student has not been assigned a code, because 294
the student will be entering kindergarten during the school year 295
for which the scholarship is sought, the district shall assign a 296
code to that student and submit the code to the department or 297
parent by a date specified by the department. If the district does 298
not assign a code to the student by the specified date, the 299
department shall assign a code to the student. 300

The department annually shall submit to each school district 301
the name and data verification code of each student residing in 302
the district who is entering kindergarten, who has been awarded a 303
scholarship under the program, and for whom the department has 304
assigned a code under this division. 305

(3) The department shall not release any data verification 306
code that it receives under division (E) of this section to any 307
person except as provided by law. 308

(F) Any document relative to the pilot project scholarship program that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code.

(G)(1) The department annually shall compile the scores attained by scholarship students enrolled in registered private schools on the assessments administered to the students pursuant to division (A)(11) of section 3313.976 of the Revised Code. The scores shall be aggregated as follows:

(a) By school district, which shall include all scholarship students residing in the pilot project school district who are enrolled in a registered private school and were required to take an assessment pursuant to division (A)(11) of section 3313.976 of the Revised Code;

(b) By registered private school, which shall include all scholarship students enrolled in that school who were required to take an assessment pursuant to division (A)(11) of section 3313.976 of the Revised Code.

(2) The department shall disaggregate the student performance data described in division (G)(1) of this section according to the following categories:

(a) Grade level;

(b) Race and ethnicity;

(c) Gender;

(d) Students who have participated in the scholarship program for three or more years;

(e) Students who have participated in the scholarship program

for more than one year and less than three years;	337
(f) Students who have participated in the scholarship program	338
for one year or less;	339
(g) Economically disadvantaged students.	340
(3) The department shall post the student performance data	341
required under divisions (G)(1) and (2) of this section on its web	342
site and shall include that data in the information about the	343
scholarship program provided to students under division (A) of	344
this section. In reporting student performance data under this	345
division, the department shall not include any data that is	346
statistically unreliable or that could result in the	347
identification of individual students. For this purpose, the	348
department shall not report performance data for any group that	349
contains less than ten students.	350
(4) The department shall provide the parent of each	351
scholarship student enrolled in a registered private school with	352
information comparing the student's performance on the assessments	353
administered pursuant to division (A)(11) of section 3313.976 of	354
the Revised Code with the average performance of similar students	355
enrolled in the building operated by the pilot project school	356
district that the scholarship student would otherwise attend. In	357
calculating the performance of similar students, the department	358
shall consider age, grade, race and ethnicity, gender, and	359
socioeconomic status.	360
(H) The department shall open the application period on the	361
first day of February prior to the first day of July of the school	362
year for which a scholarship is sought. Not later than forty-five	363
days after an applicant submits to the department of education a	364
completed application, the department of education shall determine	365
whether that applicant is eligible for a scholarship and notify	366

the applicant whether or not the applicant is eligible. The 367
 department of education shall award a scholarship to each student 368
 with an approved application. However, for any application 369
 submitted on or after the ~~beginning~~ fifteenth day of October of 370
 the school year for which a scholarship is sought, the department 371
 of education shall prorate the amount of the awarded scholarship 372
 based on how much of the school year remains after the date of the 373
student's enrollment in the private school." 374

In line 108810, after "3310.032," insert "3310.13, 3310.16," 375

In line 108811, after "3313.902," insert "3313.976, 376
 3313.978," 377

After line 225711, insert: 378

"**Section 265.**____. Notwithstanding anything to the contrary in 379
 sections 3310.13, 3310.41, 3310.581, and 3313.976 of the Revised 380
 Code, not later than September 30, 2023, each of the following 381
 entities shall submit to the Department of Education and Workforce 382
 its tuition rates for the 2023-2024 school year: 383

(A) Each chartered nonpublic school enrolling students 384
 receiving scholarships under the Educational Choice Scholarship 385
 Pilot Program established under sections 3310.01 to 3310.17 of the 386
 Revised Code; 387

(B) Each private school enrolling students receiving 388
 scholarships under the Pilot Project Scholarship Program 389
 established under sections 3313.974 to 3313.979 of the Revised 390
 Code; 391

(C) Each alternative public provider or registered private 392
 provider enrolling students receiving scholarships under the 393
 Autism Scholarship Program established under Section 3310.41 of 394

the Revised Code; 395

(D) Each alternative public provider or registered private 396
 provider enrolling students receiving scholarships under the Jon 397
 Peterson Special Needs Scholarship Program established under 398
 sections 3310.51 to 3310.64 of the Revised Code. 399

Section 265.____. (A) As used in this section, "state 400
 scholarship program" means the Educational Choice Scholarship 401
 Pilot Program established under sections 3310.01 to 3310.17 of the 402
 Revised Code or the Pilot Project Scholarship Program established 403
 under sections 3313.974 to 3313.979 of the Revised Code. 404

(B) Notwithstanding anything to the contrary in section 405
 3310.16 or 3313.978 of the Revised Code, for a scholarship sought 406
 for the 2023-2024 school year, the Department of Education and 407
 Workforce shall not prorate any scholarship based on an 408
 application submitted under a state scholarship program on or 409
 after July 1, 2023, but prior to October 15, 2023." 410

The motion was _____ agreed to.

SYNOPSIS

State scholarship programs and reporting of tuition rates 411

R.C. 3310.13, 3310.41, 3310.581, and 3313.976 and Section 412
265.____ 413

Requires each of the following entities, by September 30, 414
 2023, for the 2023-2024 school year and by June 30 prior to each 415
 following school year thereafter, to submit to the Department of 416
 Education of Workforce the entity's tuition rates for that year: 417

(1) Chartered nonpublic schools enrolling Ed Choice scholarship recipients;	418
(2) Private schools enrolling Cleveland scholarship recipients;	419
(3) Alternative public or register private providers enrolling Autism scholarship recipients; and	420
(4) Alternative public or registered private providers enrolling Jon Peterson Special Needs scholarship recipients.	421
Scholarships applications after the start of school year	422
R.C. 3310.16 and 3313.978 and Section 265.____	423
Delays the application deadline for receiving the full amount of an Ed Choice or Cleveland scholarship from July 1 to October 15 of the school year for which a scholarship is sought.	424
Requires the Department to prorate the amount of a student's scholarship for an application submitted on and after October 15 based on how much of the school year remains after the date of the student's enrollment in school.	425
	426
	427
	428
	429
	430
	431
	432
	433
	434

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 65 of the title, after "3313.902," insert "3313.976,
3313.978," 1
2

In line 673, after "3313.902," insert "3313.976, 3313.978," 3

After line 39584, insert: 4

"**Sec. 3313.976.** (A) No private school may receive scholarship 5
payments from parents pursuant to section 3317.022 of the Revised 6
Code until the chief administrator of the private school registers 7
the school with the superintendent of public instruction. The 8
state superintendent shall register any school that meets the 9
following requirements: 10

(1) ~~The school does any of the following:~~ 11

~~(a) Offers any of grades kindergarten through twelve and is 12
located within the boundaries of the pilot project school 13
district;~~ 14

~~(b) Offers any of grades kindergarten through twelve and is 15
located within the boundaries of a city, local, or exempted 16
village school district that is both;~~ 17

~~(i) Located in a municipal corporation with a population of 18
fifteen thousand or more;~~ 19

- ~~(ii) Located within five miles of the border of the pilot project school district.~~ 20
21
- ~~(c) Offers all of grades pre-kindergarten through eight, but not any of grades nine through twelve, and is located within the boundaries of a city, local, or exempted village school district that is:~~ 22
23
24
25
- ~~(i) Located in a municipal corporation with a population of greater than ten thousand but less than thirteen thousand;~~ 26
27
- ~~(ii) Located within five miles of the border of the pilot project school district;~~ 28
29
- ~~(iii) Located in the same county as the pilot project school district.~~ 30
31
- ~~(2) The school indicates in writing its commitment to follow all requirements for a state-sponsored scholarship program specified under sections 3313.974 to 3313.979 of the Revised Code, including, but not limited to, the requirements for admitting students pursuant to section 3313.977 of the Revised Code;~~ 32
33
34
35
36
- ~~(3)(2) The school meets all state minimum standards for chartered nonpublic schools in effect on July 1, 1992, except that the state superintendent at the superintendent's discretion may register nonchartered nonpublic schools meeting the other requirements of this division;~~ 37
38
39
40
41
- ~~(4)(3) The school does not discriminate on the basis of race, religion, or ethnic background;~~ 42
43
- ~~(5)(4) The school enrolls a minimum of ten students per class or a sum of at least twenty-five students in all the classes offered;~~ 44
45
46
- ~~(6)(5) The school does not advocate or foster unlawful~~ 47

behavior or teach hatred of any person or group on the basis of 48
 race, ethnicity, national origin, or religion; 49

~~(7)~~(6) The school does not provide false or misleading 50
 information about the school to parents, students, or the general 51
 public; 52

~~(8)~~(7) For students in grades kindergarten through eight with 53
 family incomes at or below two hundred per cent of the federal 54
 poverty guidelines, as defined in section ~~5104.46~~ 5101.46 of the 55
 Revised Code, the school agrees not to charge any tuition in 56
 excess of the scholarship amount established pursuant to division 57
 (A)(11)(a) of section 3317.022 of the Revised Code, excluding any 58
 increase described in that division. 59

~~(9)~~(8) For students in grades kindergarten through eight with 60
 family incomes above two hundred per cent of the federal poverty 61
 guidelines, whose scholarship amounts are less than the actual 62
 tuition charge of the school, the school agrees not to charge any 63
 tuition in excess of the difference between the actual tuition 64
 charge of the school and the scholarship amount established 65
 pursuant to division (A)(11)(a) of section 3317.022 of the Revised 66
 Code, excluding any increase described in that division. The 67
 school shall permit such tuition, at the discretion of the parent, 68
 to be satisfied by the family's provision of in-kind contributions 69
 or services. 70

~~(10)~~(9) The school agrees not to charge any tuition to 71
 families of students in grades nine through twelve receiving a 72
 scholarship in excess of the actual tuition charge of the school 73
 less the scholarship amount established pursuant to division 74
 (A)(11)(a) of section 3317.022 of the Revised Code, excluding any 75
 increase described in that division. 76

~~(11)~~(10) It annually administers the applicable assessments 77

prescribed by section 3301.0710, 3301.0712, or 3313.619 of the Revised Code to each scholarship student enrolled in the school in accordance with section 3301.0711 or 3301.0712 of the Revised Code and reports to the department of education the results of each such assessment administered to each scholarship student, unless one of the following applies to the student:

(a) The student is excused from taking that assessment under federal law, the student's individualized education program, or division (C)(1)(c)(i) of section 3301.0711 of the Revised Code.

(b) The student is enrolled in a chartered nonpublic school that meets the conditions specified in division (K)(2) or (L)(4) of section 3301.0711 of the Revised Code.

(c) The student is enrolled in any of grades three to eight and takes an alternative standardized assessment under division (K)(1) of section 3301.0711 of the Revised Code.

(d) The student is excused from taking the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code pursuant to division (C)(1)(c)(ii) of section 3301.0711 of the Revised Code.

(B) The state superintendent shall revoke the registration of any school if, after a hearing, the superintendent determines that the school is in violation of any of the provisions of division (A) of this section.

(C) Any public school located in a school district adjacent to the pilot project school district may receive scholarship payments on behalf of parents pursuant to section 3317.022 of the Revised Code if the superintendent of the district in which such public school is located notifies the state superintendent prior to the first day of March that the district intends to admit students from the pilot project school district for the ensuing

school year pursuant to section 3327.06 of the Revised Code. 108

(D) Any parent wishing to purchase tutorial assistance from 109
any person or governmental entity pursuant to the pilot project 110
program under sections 3313.974 to 3313.979 of the Revised Code 111
shall apply to the state superintendent. The state superintendent 112
shall approve providers who appear to possess the capability of 113
furnishing the instructional services they are offering to 114
provide. 115

Sec. 3313.978. (A) Annually by the first day of November, the 116
superintendent of public instruction shall notify the pilot 117
project school district of the number of initial scholarships that 118
the state superintendent will be awarding in each of grades 119
kindergarten through twelve. 120

The state superintendent shall provide information about the 121
scholarship program to all students residing in the district and 122
shall accept applications from any such students during the 123
application period established under division (H) of this section. 124

(1) A student receiving a pilot project scholarship may 125
utilize it at an alternative public school by notifying the 126
district superintendent, of the name of the public school in an 127
adjacent school district to which the student has been accepted 128
pursuant to section 3327.06 of the Revised Code. 129

(2) A student may decide to utilize a pilot project 130
scholarship at a registered private school in the district if all 131
of the following conditions are met: 132

(a) The parent makes an application on behalf of the student 133
to a registered private school. 134

(b) The registered private school notifies the parent and the 135

state superintendent as follows that the student has been	136
admitted:	137
(i) By the school pursuant to division (A) of section	138
3313.977 of the Revised Code;	139
(ii) By the school pursuant to division (C) of section	140
3313.977 of the Revised Code.	141
(c) The student actually enrolls in the registered private	142
school to which the student was first admitted or in another	143
registered private school in the district or in a public school in	144
an adjacent school district.	145
(B) The state superintendent shall also award in any school	146
year tutorial assistance grants to a number of students equal to	147
the number of students who receive scholarships under division (A)	148
of this section. Tutorial assistance grants shall be awarded	149
solely to students who are enrolled in the public schools of the	150
district in a grade level covered by the pilot project. Tutorial	151
assistance grants may be used solely to obtain tutorial assistance	152
from a provider approved pursuant to division (D) of section	153
3313.976 of the Revised Code.	154
All students wishing to obtain tutorial assistance grants	155
shall make application to the state superintendent by the first	156
day of the school year in which the assistance will be used. The	157
state superintendent shall award assistance grants in accordance	158
with criteria the superintendent shall establish.	159
(C) In the case of tutorial assistance grants, the grant	160
amount shall not exceed the lesser of the provider's actual	161
charges for such assistance or:	162
(1) Before fiscal year 2007, a percentage established by the	163
state superintendent, not to exceed twenty per cent, of the amount	164

of the pilot project school district's average basic scholarship amount; 165
166

(2) In fiscal year 2007 and thereafter, four hundred dollars. 167

(D)(1) Annually by the first day of November, the state superintendent shall estimate the maximum per-pupil scholarship amounts for the ensuing school year. The state superintendent shall make this estimate available to the general public at the offices of the district board of education together with the forms required by division (D)(2) of this section. 168
169
170
171
172
173

(2) Annually by the fifteenth day of January, the chief administrator of each registered private school ~~located in the pilot project district,~~ and the principal of each public school in ~~such~~ the pilot project district, shall complete a parental information form and forward it to the president of the board of education. The parental information form shall be prescribed by the department of education and shall provide information about the grade levels offered, the numbers of students, tuition amounts, achievement test results, and any sectarian or other organizational affiliations. 174
175
176
177
178
179
180
181
182
183

(E)(1) Only for the purpose of administering the pilot project scholarship program, the department may request from any of the following entities the data verification code assigned under division (D)(2) of section 3301.0714 of the Revised Code to any student who is seeking a scholarship under the program: 184
185
186
187
188

(a) The school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code; 189
190
191

(b) If applicable, the community school in which the student is enrolled; 192
193

(c) The independent contractor engaged to create and maintain data verification codes. 194
195

(2) Upon a request by the department under division (E)(1) of this section for the data verification code of a student seeking a scholarship or a request by the student's parent for that code, the school district or community school shall submit that code to the department or parent in the manner specified by the department. If the student has not been assigned a code, because the student will be entering kindergarten during the school year for which the scholarship is sought, the district shall assign a code to that student and submit the code to the department or parent by a date specified by the department. If the district does not assign a code to the student by the specified date, the department shall assign a code to the student. 196
197
198
199
200
201
202
203
204
205
206
207

The department annually shall submit to each school district the name and data verification code of each student residing in the district who is entering kindergarten, who has been awarded a scholarship under the program, and for whom the department has assigned a code under this division. 208
209
210
211
212

(3) The department shall not release any data verification code that it receives under division (E) of this section to any person except as provided by law. 213
214
215

(F) Any document relative to the pilot project scholarship program that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code. 216
217
218
219
220

(G)(1) The department annually shall compile the scores attained by scholarship students enrolled in registered private schools on the assessments administered to the students pursuant 221
222
223

to division (A)(11) <u>(A)(10)</u> of section 3313.976 of the Revised	224
Code. The scores shall be aggregated as follows:	225
(a) By school district, which shall include all scholarship	226
students residing in the pilot project school district who are	227
enrolled in a registered private school and were required to take	228
an assessment pursuant to division (A)(11) <u>(A)(10)</u> of section	229
3313.976 of the Revised Code;	230
(b) By registered private school, which shall include all	231
scholarship students enrolled in that school who were required to	232
take an assessment pursuant to division (A)(11) <u>(A)(10)</u> of section	233
3313.976 of the Revised Code.	234
(2) The department shall disaggregate the student performance	235
data described in division (G)(1) of this section according to the	236
following categories:	237
(a) Grade level;	238
(b) Race and ethnicity;	239
(c) Gender;	240
(d) Students who have participated in the scholarship program	241
for three or more years;	242
(e) Students who have participated in the scholarship program	243
for more than one year and less than three years;	244
(f) Students who have participated in the scholarship program	245
for one year or less;	246
(g) Economically disadvantaged students.	247
(3) The department shall post the student performance data	248
required under divisions (G)(1) and (2) of this section on its web	249
site and shall include that data in the information about the	250
scholarship program provided to students under division (A) of	251

this section. In reporting student performance data under this 252
division, the department shall not include any data that is 253
statistically unreliable or that could result in the 254
identification of individual students. For this purpose, the 255
department shall not report performance data for any group that 256
contains less than ten students. 257

(4) The department shall provide the parent of each 258
scholarship student enrolled in a registered private school with 259
information comparing the student's performance on the assessments 260
administered pursuant to division ~~(A)(11)~~(A)(10) of section 261
3313.976 of the Revised Code with the average performance of 262
similar students enrolled in the building operated by the pilot 263
project school district that the scholarship student would 264
otherwise attend. In calculating the performance of similar 265
students, the department shall consider age, grade, race and 266
ethnicity, gender, and socioeconomic status. 267

(H) The department shall open the application period on the 268
first day of February prior to the first day of July of the school 269
year for which a scholarship is sought. Not later than forty-five 270
days after an applicant submits to the department of education a 271
completed application, the department of education shall determine 272
whether that applicant is eligible for a scholarship and notify 273
the applicant whether or not the applicant is eligible. The 274
department of education shall award a scholarship to each student 275
with an approved application. However, for any application 276
submitted after the beginning of the school year, the department 277
of education shall prorate the amount of the awarded scholarship 278
based on how much of the school year remains." 279

In line 108811, after "3313.902," insert "3313.976, 280
3313.978," 281

The motion was _____ agreed to.

SYNOPSIS

Cleveland scholarship program location restrictions	282
R.C. 3313.976 and 3313.978	283
Permits a student residing in Cleveland Municipal School	284
District to use the Cleveland Scholarship to attend any private	285
school, without the current law restriction on location of that	286
school.	287

_____ moved to amend as follows:

1 After line 235518, insert:

2 **"Section 701.____.** (A) As used in this section:

3 (1) "Peace officer" has the same meaning as in section
4 109.71 of the Revised Code.

5 (2) "Trooper" means an individual appointed as a State
6 Highway Patrol Trooper under section 5503.01 of the Revised
7 Code.

8 (B) (1) The Joint Law Enforcement Training Center Study
9 Commission is created. The Commission shall consist of the
10 following three members:

11 (a) The Director of Public Safety or a designee of the
12 Director who has experience in law enforcement funding issues;

13 (b) One member of the House of Representatives appointed by
14 the Speaker of the House of Representatives;

15 (c) One member of the Senate appointed by the President of
16 the Senate.

17 (2) The Speaker of the House of Representatives and
18 President of the Senate shall make their initial appointments to
19 the Joint Law Enforcement Training Center Study Commission not
20 later than thirty days after the effective date of this section.

21 (3) If an appointed member of the Joint Law Enforcement
22 Training Center Study Commission ceases to hold the position
23 that led to the member's appointment, the member is disqualified
24 and a vacancy occurs. Vacancies of appointed members shall be
25 filled in the same manner as original appointments.

26 (4) The Joint Law Enforcement Training Center Study
27 Commission shall hold its first meeting not later than ninety
28 days after the effective date of this section, regardless of
29 whether all members have been appointed under division (B)(2) of
30 this section. At its first meeting, the Commission shall select
31 a chairperson. The Commission shall adopt procedures to govern
32 its proceedings and shall meet as necessary at the call of the
33 chairperson. A majority of Commission members constitutes a
34 quorum. Formal recommendations shall be made by a vote of a
35 majority of the quorum present. Commission meetings shall be
36 open to the public under section 121.22 of the Revised Code. The
37 Commission shall keep minutes of its meetings as public records
38 under section 149.43 of the Revised Code.

39 (5) Members of the Joint Law Enforcement Training Center
40 Study Commission shall serve without compensation.

41 (6) The Joint Law Enforcement Training Center Study
42 Commission shall study the cost to establish a Joint Law
43 Enforcement Training Center for Ohio as the only place for law
44 enforcement officers to receive the training for peace officers

45 and troopers that is required under section 109.803 of the
46 Revised Code. Upon completion of the study, the Commission shall
47 prepare a report of its findings and recommendations for
48 establishing the Joint Law Enforcement Training Center for Ohio.
49 Not later than July 1, 2024, the Commission shall submit the
50 report to the Governor, the General Assembly, the Attorney
51 General, and the Legislative Service Commission. Upon submission
52 of the report, the Commission ceases to exist."

53 The motion was _____ agreed to.

54 SYNOPSIS

55 **Joint Law Enforcement Training Center Study Commission**

56 **Section 701. __**

57 Creates the Joint Law Enforcement Training Center Study
58 Commission to study the cost of establishing the Joint Law
59 Enforcement Training Center for Ohio.

60 Requires the Commission to hold its first meeting 90 days
61 after the effective date of the section.

62 States that members of the Commission will serve without
63 compensation.

64 Requires the Commission to prepare a report upon completion
65 of the study and submit it not later than July 1, 2024, to the
66 Governor, the General Assembly, the Attorney General, and the
67 Legislative Service Commission.

68 Specifies that after submitting the report, the Commission
69 will cease to exist.

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 63 of the title, after "3310.032," insert "3310.13," 1

In line 65 of the title, after "3313.902," insert "3313.976," 2

In line 672, after "3310.032," insert "3310.13," 3

In line 673, after "3313.902," insert "3313.976," 4

After line 37924, insert: 5

"**Sec. 3310.13.** (A) No chartered nonpublic school shall charge 6
any student whose family income is at or below two hundred per 7
cent of the federal poverty guidelines, as defined in section 8
5101.46 of the Revised Code, a tuition fee that is greater than 9
the total amount paid for that student under section 3317.022 of 10
the Revised Code. 11

(B) A chartered nonpublic school may charge any other student 12
who is paid a scholarship under that section up to the difference 13
between the amount of the scholarship and the regular tuition 14
charge of the school. Each chartered nonpublic school may permit 15
such an eligible student's family to provide volunteer services in 16
lieu of cash payment to pay all or part of the amount of the 17
school's tuition not covered by the scholarship paid under section 18
3317.022 of the Revised Code. 19

(C) Each chartered nonpublic school that charges a 20

scholarship student an additional amount as authorized under 21
 division (B) of this section shall annually report to the 22
 department of education in the manner prescribed by the department 23
 the following: 24

(1) The number of students charged; 25

(2) The average of the amounts charged to such students. 26

(D) On and after July 1, 2024, the department shall not 27
require the parent of a student to submit a complete copy of the 28
parent's federal income tax return, or a return filed under 29
section 5747.08 of the Revised Code, to determine a student's 30
family income for the purposes of the educational choice 31
scholarship pilot program. Rather, the department may require a 32
parent to submit a partial federal income tax return, or a return 33
filed under section 5747.08 of the Revised Code, that only 34
contains the minimum amount of information necessary to determine 35
a student's family income." 36

After line 39584, insert: 37

"**Sec. 3313.976.** (A) No private school may receive scholarship 38
 payments from parents pursuant to section 3317.022 of the Revised 39
 Code until the chief administrator of the private school registers 40
 the school with the superintendent of public instruction. The 41
 state superintendent shall register any school that meets the 42
 following requirements: 43

(1) The school does any of the following: 44

(a) Offers any of grades kindergarten through twelve and is 45
 located within the boundaries of the pilot project school 46
 district; 47

(b) Offers any of grades kindergarten through twelve and is 48

located within the boundaries of a city, local, or exempted	49
village school district that is both:	50
(i) Located in a municipal corporation with a population of	51
fifteen thousand or more;	52
(ii) Located within five miles of the border of the pilot	53
project school district.	54
(c) Offers all of grades pre-kindergarten through eight, but	55
not any of grades nine through twelve, and is located within the	56
boundaries of a city, local, or exempted village school district	57
that is:	58
(i) Located in a municipal corporation with a population of	59
greater than ten thousand but less than thirteen thousand;	60
(ii) Located within five miles of the border of the pilot	61
project school district;	62
(iii) Located in the same county as the pilot project school	63
district.	64
(2) The school indicates in writing its commitment to follow	65
all requirements for a state-sponsored scholarship program	66
specified under sections 3313.974 to 3313.979 of the Revised Code,	67
including, but not limited to, the requirements for admitting	68
students pursuant to section 3313.977 of the Revised Code;	69
(3) The school meets all state minimum standards for	70
chartered nonpublic schools in effect on July 1, 1992, except that	71
the state superintendent at the superintendent's discretion may	72
register nonchartered nonpublic schools meeting the other	73
requirements of this division;	74
(4) The school does not discriminate on the basis of race,	75
religion, or ethnic background;	76

- (5) The school enrolls a minimum of ten students per class or a sum of at least twenty-five students in all the classes offered; 77
78
- (6) The school does not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion; 79
80
81
- (7) The school does not provide false or misleading information about the school to parents, students, or the general public; 82
83
84
- (8) For students in grades kindergarten through eight with family incomes at or below two hundred per cent of the federal poverty guidelines, as defined in section ~~5104.46~~ 5101.46 of the Revised Code, the school agrees not to charge any tuition in excess of the scholarship amount established pursuant to division (A)(11)(a) of section 3317.022 of the Revised Code, excluding any increase described in that division. 85
86
87
88
89
90
91
- (9) For students in grades kindergarten through eight with family incomes above two hundred per cent of the federal poverty guidelines, whose scholarship amounts are less than the actual tuition charge of the school, the school agrees not to charge any tuition in excess of the difference between the actual tuition charge of the school and the scholarship amount established pursuant to division (A)(11)(a) of section 3317.022 of the Revised Code, excluding any increase described in that division. The school shall permit such tuition, at the discretion of the parent, to be satisfied by the family's provision of in-kind contributions or services. 92
93
94
95
96
97
98
99
100
101
102
- (10) The school agrees not to charge any tuition to families of students in grades nine through twelve receiving a scholarship in excess of the actual tuition charge of the school less the scholarship amount established pursuant to division (A)(11)(a) of 103
104
105
106

section 3317.022 of the Revised Code, excluding any increase 107
described in that division. 108

(11) It annually administers the applicable assessments 109
prescribed by section 3301.0710, 3301.0712, or 3313.619 of the 110
Revised Code to each scholarship student enrolled in the school in 111
accordance with section 3301.0711 or 3301.0712 of the Revised Code 112
and reports to the department of education the results of each 113
such assessment administered to each scholarship student, unless 114
one of the following applies to the student: 115

(a) The student is excused from taking that assessment under 116
federal law, the student's individualized education program, or 117
division (C)(1)(c)(i) of section 3301.0711 of the Revised Code. 118

(b) The student is enrolled in a chartered nonpublic school 119
that meets the conditions specified in division (K)(2) or (L)(4) 120
of section 3301.0711 of the Revised Code. 121

(c) The student is enrolled in any of grades three to eight 122
and takes an alternative standardized assessment under division 123
(K)(1) of section 3301.0711 of the Revised Code. 124

(d) The student is excused from taking the assessment 125
prescribed under division (B)(1) of section 3301.0712 of the 126
Revised Code pursuant to division (C)(1)(c)(ii) of section 127
3301.0711 of the Revised Code. 128

(B) The state superintendent shall revoke the registration of 129
any school if, after a hearing, the superintendent determines that 130
the school is in violation of any of the provisions of division 131
(A) of this section. 132

(C) Any public school located in a school district adjacent 133
to the pilot project school district may receive scholarship 134
payments on behalf of parents pursuant to section 3317.022 of the 135

Revised Code if the superintendent of the district in which such public school is located notifies the state superintendent prior to the first day of March that the district intends to admit students from the pilot project school district for the ensuing school year pursuant to section 3327.06 of the Revised Code. 136
 137
 138
 139
 140

(D) Any parent wishing to purchase tutorial assistance from any person or governmental entity pursuant to the pilot project program under sections 3313.974 to 3313.979 of the Revised Code shall apply to the state superintendent. The state superintendent shall approve providers who appear to possess the capability of furnishing the instructional services they are offering to provide. 141
 142
 143
 144
 145
 146
 147

(E) On and after July 1, 2024, the director shall not require the parent of a student to submit a complete copy of the parent's federal income tax return, or a return filed under section 5747.08 of the Revised Code, to determine a student's family income for the purposes of the pilot project scholarship program. Rather, the director may require a parent to submit a partial federal income tax return, or a return filed under section 5747.08 of the Revised Code, that only contains the minimum amount of information necessary to determine a student's family income. 148
 149
 150
 151
 152
 153
 154
 155
 156

In line 108810, after "3310.032," insert "3310.13," 157

In line 108811, after "3313.902," insert "3313.976," 158

The motion was _____ agreed to.

SYNOPSIS

Complete tax returns for income determination 159

R.C. 3310.13 and 3313.976 160

Prohibits the Department of Education and Workforce (DEW) 161
from requiring the parent of a student to submit a complete copy 162
of the parent's federal or state income tax return to determine 163
the student's family income for the purposes of the Ed Choice or 164
Cleveland Scholarship Program. 165

Permits DEW to require a partial federal or state tax return 166
that only contains the minimum amount of information necessary to 167
determine the student's family income. 168

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 63 of the title, after "3310.032," insert "3310.13," 1

In line 190 of the title, after "5747.53," insert "5747.73," 2

In line 672, after "3310.032," insert "3310.13," 3

In line 764, after "5747.53," insert "5747.73," 4

After line 37924, insert: 5

"**Sec. 3310.13.** (A) No chartered nonpublic school shall charge 6
any student whose family income is at or below two hundred per 7
cent of the federal poverty guidelines, as defined in section 8
5101.46 of the Revised Code, a tuition fee that is greater than 9
the total amount paid for that student under section 3317.022 of 10
the Revised Code. 11

(B) A chartered nonpublic school may charge any other student 12
who is paid a scholarship under that section up to the difference 13
between the amount of the scholarship and the regular tuition 14
charge of the school. Each chartered nonpublic school may permit 15
such an eligible student's family to provide volunteer services in 16
lieu of cash payment to pay all or part of the amount of the 17
school's tuition not covered by the scholarship paid under section 18
3317.022 of the Revised Code. 19

(C) Each chartered nonpublic school that charges a 20

scholarship student an additional amount as authorized under 21
division (B) of this section shall annually report to the 22
department of education in the manner prescribed by the department 23
the following: 24

(1) The number of students charged; 25

(2) The average of the amounts charged to such students. 26

(D) A chartered nonpublic school may accept scholarships 27
issued by a scholarship granting organization authorized under 28
section 5747.73 of the Revised Code as payment for the difference 29
between the amount of the scholarship paid under section 3317.022 30
of the Revised Code and the regular tuition charge of the school, 31
as well as for any fees regularly charged by the school." 32

After line 107096, insert: 33

"**Sec. 5747.73.** (A) As used in this section, "scholarship 34
granting organization" means an entity that is certified as such 35
by the attorney general under division (C) of this section. 36

(B) There is hereby allowed a nonrefundable credit against a 37
taxpayer's aggregate tax liability under section 5747.02 of the 38
Revised Code for a taxpayer that donates cash to scholarship 39
granting organizations during the taxable year or before the date 40
described in section 6072 of the Internal Revenue Code applicable 41
to the taxpayer and occurring in the taxpayer's ensuing taxable 42
year, but a credit may not be claimed for two taxable years on the 43
basis of the same contribution. The credit shall equal the amount 44
of cash donations made by the taxpayer and, if filing a joint 45
return, the taxpayer's spouse, except that the credit shall not 46
exceed, for any taxable year, one thousand five hundred dollars 47
for spouses filing a joint return or seven hundred fifty dollars 48
for all other taxpayers. If a taxpayer files a joint return, the 49
credit amount attributable to donations made by each spouse shall 50
not exceed seven hundred fifty dollars. The credit shall be 51
claimed in the order required under section 5747.98 of the Revised 52
Code. 53

If the taxpayer is a direct or indirect investor in a 54
pass-through entity that donates cash to scholarship granting 55
organizations during the taxable year, the taxpayer may claim its 56
proportionate or distributive share of the credit allowed under 57
this section, except that the share that may be claimed by all 58
such investors may not exceed seven hundred fifty dollars for any 59
taxable year. 60

The credit authorized by this section is not allowed unless 61

the taxpayer claiming the credit provides to the tax commissioner, 62
in the form and manner required by the commissioner, a copy of a 63
receipt or other document issued by the scholarship granting 64
organization acknowledging the taxpayer's contribution to the 65
organization and the amount of the contribution. The commissioner 66
may require a taxpayer to furnish any other information necessary 67
to support a claim for the credit. No credit shall be allowed 68
unless a copy of such document or other required information is 69
provided. 70

(C) An entity may apply to the attorney general, on forms and 71
in the manner prescribed by the attorney general, to be certified 72
so that contributions to the entity qualify for the tax credit 73
authorized under this section. The attorney general shall certify 74
an entity as a scholarship granting organization if the entity 75
submits information and documentation, to the attorney general's 76
satisfaction, establishing that the entity satisfies the 77
following: 78

(1) It is a religious or nonreligious nonprofit organization 79
exempt from federal taxation under section 501(a) of the Internal 80
Revenue Code as an organization described in section 501(c)(3) of 81
the Internal Revenue Code. 82

(2) It primarily awards academic scholarships for primary and 83
secondary school students. 84

(3) It prioritizes awarding its scholarships to low-income 85
primary and secondary school students. 86

The attorney general shall notify the applicant of the 87
attorney general's determination within thirty days after the 88
attorney general receives the application. The attorney general 89
shall maintain a list of all scholarship granting organizations. 90
As soon as is practicable after compiling or updating this list, 91

the attorney general shall furnish the list to the tax 92
commissioner, who shall post the list or updated list to the 93
department of taxation's web site. 94

The attorney general shall adopt rules necessary to determine 95
eligibility for and administer the credit authorized under this 96
section." 97

In line 108810, after "3310.032," insert "3310.13," 98

In line 108902, after "5747.53," insert "5747.73," 99

After line 236002, insert: 100

"Section 803.__. The amendment by this act of section 5747.73 101
of the Revised Code applies to taxable years ending on or after 102
the effective date of this section." 103

The motion was _____ agreed to.

SYNOPSIS

Income tax credit: scholarship granting organization 104
donations 105

R.C. 5747.73; Section 803.__ 106

Allows a taxpayer who makes a donation to a qualifying 107
scholarship granting organization in the following tax year but 108
before the federal return filing date (generally April 15 for 109
calendar year taxpayers) to elect to claim the credit on the basis 110
of that donation for the preceding taxable year. 111

Use of private scholarships for Ed Choice 112

R.C. 3310.13 113

Permits a chartered nonpublic school to accept private 114
scholarships issued by a scholarship granting organization 115
authorized under continuing law as payment for the difference 116
between the amount of the scholarship and the regular tuition 117
charge of the school, as well as for any fees regularly charged by 118
the school. 119

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

After line 233362, insert: 1

"Section _____. NAI NEW AFRICAN IMMIGRANTS COMMISSION 2

General Revenue Fund 3

GRF XXXXXX Operating Expenses \$ 250,000 \$ 250,000 4

TOTAL GRF General Revenue Fund \$ 250,000 \$ 250,000 5

TOTAL ALL BUDGET FUND GROUPS \$ 250,000 \$ 250,000" 6

The motion was _____ agreed to.

SYNOPSIS

New African Immigrants Commission 8

Section _____. 9

Establishes the New African Immigrants Commission budget and 10

appropriates \$250,000 to GRF ALI XXXXXX, Operating Expenses, in 11

each fiscal year. 12

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 81 of the title, delete "3333.045,"	1
In line 83 of the title, after "3333.74," insert "3335.02,	2
3337.01, 3339.01, 3341.02, 3343.02, 3344.01,"	3
In line 85 of the title, after "3345.38," insert "3345.45,"	4
In line 86 of the title, after "3345.69," insert "3350.10,	5
3352.01,"; after "3353.02," insert "3356.01, 3359.01, 3361.01,	6
3362.01, 3364.01,"	7
In line 192 of the title, after "5753.031," insert "5813.06,"	8
In line 203 of the title, delete the first "and"; after	9
"3313.482" insert ", and 3333.045"	10
In line 214 of the title, after "1546.32," insert "1715.551,"	11
In line 221 of the title, after "3333.303," insert "3345.029,	12
3345.0216, 3345.0217, 3345.0218,"; after "3345.034," insert	13
"3345.382,"; after "3345.391," insert "3345.451, 3345.452,	14
3345.453, 3345.454, 3345.455, 3345.591,"	15
In line 222 of the title, after "3345.60," insert "3345.80,	16
3345.87,"	17
In line 243 of the title, after "3333.02," insert "3333.045,"	18
In line 686, delete "3333.045,"	19
In line 687, after "3333.74," insert "3335.02, 3337.01,	20
3339.01, 3341.02, 3343.02, 3344.01,"	21

In line 688, after "3345.38," insert "3345.45,"	22
In line 689, after "3345.69," insert "3350.10, 3352.01,";	23
after "3353.02," insert "3356.01, 3359.01, 3361.01, 3362.01,	24
3364.01,"	25
In line 766, after "5753.031," insert "5813.06,"	26
In line 774, delete the first "and"; after "3313.482" insert	27
", and 3333.045"	28
In line 782, after "1546.32," insert "1715.551,"	29
In line 787, after "3333.303," insert "3345.029, 3345.0216,	30
3345.0217, 3345.0218,"	31
In line 788, after "3345.034," insert "3345.382,"; after	32
"3345.391," insert "3345.451, 3345.452, 3345.453, 3345.454,	33
3345.455, 3345.591,"; after "3345.60," insert "3345.80, 3345.87,"	34
After line 29961, insert:	35
<u>"Sec. 1715.551. (A) As used in this section:</u>	36
<u>(1)(a) "Benefactor representative" means either of the</u>	37
<u>following:</u>	38
<u>(i) The administrator or executor of the estate of a person</u>	39
<u>who signed a qualified endowment agreement as donor;</u>	40
<u>(ii) A person designated in a qualified endowment agreement,</u>	41
<u>whether or not born or existing at the time of such designation,</u>	42
<u>to act in place of a party to the agreement for the purpose of</u>	43
<u>resolving disputes about the agreement, including without</u>	44
<u>limitation, its validity, interpretation, performance,</u>	45
<u>enforcement, and any action that it contemplates.</u>	46
<u>(b) "Benefactor representative" does not mean the state</u>	47
<u>institution of higher education receiving or administering</u>	48

property under a qualified endowment agreement or any person 49
designated by such state institution of higher education for any 50
purpose. 51

(c) A benefactor representative named in a qualified 52
endowment agreement shall be the only benefactor representative 53
for purposes of this section, regardless of the existence of an 54
administrator or executor of the estate of a person who signed a 55
qualified endowment agreement as donor. 56

(2) "Qualified endowment agreement" means a gift instrument, 57
signed by a person and a state institution of higher education 58
prior to the effective date of this section, under which the 59
person commits to transfer property, the aggregate value of which 60
is at least three million dollars, to that or another state 61
institution of higher education and the state institution of 62
higher education commits that it or another state institution of 63
higher education will hold or administer the property as an 64
endowment fund, subject to any restrictions on management, 65
investment, spending, or purpose contained in the gift instrument. 66

(3) "Aggregate value" includes the full value of all property 67
transferred by the donor pursuant to the gift instrument, 68
regardless of whether the state institution of higher education 69
holds and administers such property as one endowment fund or 70
divides the property into multiple endowment funds. 71

(4) "State institution of higher education" has the same 72
meaning as in section 3345.011 of the Revised Code but also 73
includes foundations, the corporate purpose of which is solely to 74
benefit an identified state institution of higher education, as 75
defined in that section, and that receive, hold, or administer 76
charitable transfers of property for that state institution of 77
higher education. 78

(B) If a state institution of higher education violates a restriction contained in a qualified endowment agreement on the management, investment, spending, or purpose of the endowment fund, the person who signed the qualified endowment agreement as donor, or the benefactor representative of such person, may notify the charitable law section of the office of the attorney general in writing of the violation.

(C)(1) If, within one hundred eighty days after receiving the notice, the attorney general has not obtained full compliance with the restriction, and restitution to the endowment fund of property approximately equal to any value lost due to the violated restriction, the person who notified the attorney general, or the benefactor representative of such person, may file a complaint:

(a) For breach of the qualified endowment agreement; or

(b) To obtain a declaration of rights and duties expressed in the qualified endowment agreement and as to all of the actions it contemplates, including, without limitation, the interpretation, performance, and enforcement of the qualified endowment agreement and determination of its validity.

(2) Each of the following applies to the complaint:

(a) It may be filed regardless of whether the qualified endowment agreement expressly reserves a right to sue or enforce.

(b) It shall not seek a judgment awarding to the plaintiff damages, court costs, attorney's fees, or any other award of money or other property.

(c) It shall seek only one or both of the following:

(i) Declaratory relief;

(ii) Equitable relief consistent with the charitable purposes

expressed in the qualified endowment agreement and consistent with 107
the charitable purposes of the state institution of higher 108
education. 109

(D) The attorney general may enforce the interests of the 110
beneficiaries of a qualified endowment agreement by filing a 111
complaint for breach or to obtain a declaration of rights and 112
duties expressed in the qualified endowment agreement and as to 113
all of the actions it contemplates, including, without limitation, 114
the interpretation, performance, and enforcement of the qualified 115
endowment agreement and determination of its validity. 116

(E) A state institution of higher education may obtain a 117
judicial declaration of rights and duties expressed in a qualified 118
endowment agreement and as to all of the actions it contemplates, 119
including, without limitation, the interpretation, performance, 120
and enforcement of the qualified endowment agreement and 121
determination of its validity. The state institution of higher 122
education shall seek such declaration in any suit brought under 123
this section or by filing a complaint. 124

(F) Every complaint authorized by this section shall be filed 125
in a court of general jurisdiction in the county where the state 126
institution of higher education named as a party has its principal 127
office or principal place of carrying out its charitable purpose, 128
or in a court of the United States whose district includes such 129
county. Every such complaint shall: 130

(1) Name the attorney general as a party; 131

(2) Name as parties the state institution of higher education 132
that signed the qualified endowment agreement or its successor, 133
and each state institution of higher education that currently 134
administers property subject to the qualified endowment agreement; 135

(3) If the attorney general or state institution of higher education files the complaint within twenty-five years after the date of the first transfer of property to the state institution of higher education pursuant to the qualified endowment agreement, name as a party the person who signed the qualified endowment agreement as donor, or the benefactor representative of each such person, if the person or benefactor representative can be located and identified after diligent inquiry.

(G) The failure to name or join as a party a person who signed the qualified endowment agreement as donor, or the benefactor representative of such person, is not jurisdictional. The court, however, shall not act on the merits of the complaint or on any motion for an order to address its merits without first ensuring that the plaintiff has acted diligently to notify such person or the benefactor representative of such person of the complaint and, if the person or benefactor representative is located and identified, affords such person or benefactor representative an opportunity to be heard or to intervene.

(H) The interest of a person who signed a qualified endowment agreement as donor, and the interest represented by the benefactor representative of such person, shall not be presumed to be identical to the interest of either the attorney general or the state institution of higher education.

(I)(1) Subject to division (I)(2) of this section, a person who signed a qualified endowment agreement as donor, or the benefactor representative of such person, shall file a complaint authorized by this section within six years after discovery of the accrual of the cause of action, but in no event shall such a person or the benefactor representative of such person file a complaint authorized by this section more than twenty-five years

after the date of the first transfer of property under the 166
qualified endowment agreement. 167

(2) If, during the sixth year after discovery of the accrual 168
of the cause of action, a person who signed a qualified endowment 169
agreement as donor, or the benefactor representative of such 170
person, notifies the charitable law section of the office of the 171
attorney general in writing of a violation by a state institution 172
of higher education of a restriction contained in the qualified 173
endowment agreement as authorized by this section, the period 174
within which such person or benefactor representative must file a 175
complaint authorized by this section shall be extended 176
automatically by two hundred ten days. 177

(J) This section applies only to breaches of qualified 178
endowment agreements, if those breaches are alleged to have 179
occurred on or after the effective date of this section." 180

Delete lines 47897 through 47913 and insert: 181

"Sec. 3333.045. As used in this section, "state institution 182
of higher education" has the same meaning as in section 3345.011 183
of the Revised Code. 184

The chancellor of higher education, in consultation with 185
state institutions of higher education and members of their boards 186
of trustees, shall develop and annually deliver educational 187
programs for members of a board of trustees of each state 188
institution. The chancellor may deliver the programs virtually and 189
may offer the programs periodically throughout each year. New 190
members of a board of trustees shall participate in the programs 191
at least once in their first two years in office. Current members 192
of a board of trustees shall participate in continuing trustee 193
training at levels to be determined by the chancellor. 194

The educational programs shall be designed to address the 195
role, duties, and responsibilities of a member of a board of 196
trustees and may include in-service programs on current issues in 197
higher education. In developing the educational programs, the 198
chancellor may consider similar programs offered in other states 199
or through a recognized trustee group. 200

The educational programs shall include presentations and 201
content related to all of the following: 202

(A) Each board member's duty to the state of Ohio; 203

(B) The committee structure and function of a board of 204
trustees; 205

(C) The duties of the executive committee of a board of 206
trustees; 207

(D) Professional accounting and reporting standards; 208

(E) Methods for meeting the statutory, regulatory, and 209
fiduciary obligations of a board of trustees; 210

(F) The requirements of the public records law; 211

(G) Institutional ethics and conflicts of interest; 212

(H) Creating and implementing institution-wide rules and 213
regulations; 214

(I) Business operations, administration, budgeting, 215
financing, financial reporting, and financial reserves, including 216
a segment on endowment management; 217

(J) Fixing student general and instructional fees, and other 218
necessary charges, including a review of student debt trends; 219

(K) Overseeing planning, construction, maintenance, 220
expansion, and renovation projects that impact the state 221

<u>institution's consolidated infrastructure, physical facilities,</u>	222
<u>and natural environment, including its lands, improvements, and</u>	223
<u>capital equipment;</u>	224
<u>(L) Workforce planning, strategy, and investment;</u>	225
<u>(M) Institutional advancement, including philanthropic</u>	226
<u>giving, fundraising initiatives, alumni programming,</u>	227
<u>communications and media, government and public relations, and</u>	228
<u>community affairs;</u>	229
<u>(N) Student welfare issues, including academic studies,</u>	230
<u>curriculum, residence life, student governance and activities, and</u>	231
<u>the general physical and psychological well-being of undergraduate</u>	232
<u>and graduate students;</u>	233
<u>(O) Current national and state issues in higher education;</u>	234
<u>(P) Future national and state issues in higher education."</u>	235
After line 48956, insert:	236
" Sec. 3335.02. (A) The government of the Ohio state	237
university shall be vested in a board of fourteen trustees in	238
2005, and seventeen trustees beginning in 2006, who shall be	239
appointed by the governor, with the advice and consent of the	240
senate. Two of the seventeen trustees shall be students at the	241
Ohio state university, and their selection and terms shall be in	242
accordance with division (B) of this section. Except	243
<u>(1) For trustees appointed prior to January 1, 2024, except</u>	244
as provided in division (D) of this section and except for the	245
terms of student members, terms of office shall be for nine years,	246
commencing on the fourteenth day of May and ending on the	247
thirteenth day of May.	248
<u>(2) For trustees appointed on or after January 1, 2024,</u>	249

except for the terms of student members, terms of office shall be 250
for six years, commencing on the fourteenth day of May and ending 251
on the thirteenth day of May. 252

Each trustee shall hold office from the date of appointment 253
 until the end of the term for which the trustee was appointed. Any 254
 trustee appointed to fill a vacancy occurring prior to the 255
 expiration of the term for which the trustee's predecessor was 256
 appointed shall hold office for the remainder of such term. Any 257
 trustee shall continue in office subsequent to the expiration date 258
 of the trustee's term until the trustee's successor takes office, 259
 or until a period of sixty days has elapsed, whichever occurs 260
 first. ~~No person who has served a full nine year term or more than~~ 261
~~six years of such a term shall be eligible for reappointment until~~ 262
~~a period of four years has elapsed since the last day of the term~~ 263
~~for which the person previously served.~~ The trustees shall not 264
 receive compensation for their services, but shall be paid their 265
 reasonable necessary expenses while engaged in the discharge of 266
 their official duties. 267

(B) The student members of the board of trustees of the Ohio 268
 state university shall be students at the Ohio state university. 269
 Unless student members have been granted voting power under 270
 division (C) of this section, they shall have no voting power on 271
 the board, shall not be considered as members of the board in 272
 determining whether a quorum is present, and shall not be entitled 273
 to attend executive sessions of the board. The student members of 274
 the board shall be appointed by the governor, with the advice and 275
 consent of the senate, from a group of five candidates selected 276
 pursuant to a procedure adopted by the university's student 277
 governments and approved by the university's board of trustees. 278
 The initial term of office of one of the student members shall 279
 commence on May 14, 1988, and shall expire on May 13, 1989, and 280

the initial term of office of the other student member shall 281
commence on May 14, 1988, and expire on May 13, 1990. Thereafter, 282
terms of office of student members shall be for two years, each 283
term ending on the same day of the same month of the year as the 284
term it succeeds. In the event a student member cannot fulfill a 285
two-year term, a replacement shall be selected to fill the 286
unexpired term in the same manner used to make the original 287
selection. 288

(C) Not later than ninety days after ~~the effective date of~~ 289
~~this amendment~~ September 29, 2015, the board of trustees shall 290
adopt a resolution that does one of the following: 291

(1) Grants the student members of the board voting power on 292
the board. If so granted, in addition to having voting power, the 293
student members shall be considered as members of the board in 294
determining whether a quorum is present and shall be entitled to 295
attend executive sessions of the board. 296

(2) Declares that student members do not have voting power on 297
the board. 298

Thereafter, the board may change the voting status of student 299
trustees by adopting a subsequent resolution. Each resolution 300
adopted under this division shall take effect on the fourteenth 301
day of May following the adoption of the resolution. All members 302
with voting power at the time of the adoption of a resolution may 303
vote on the resolution. 304

If student members are granted voting power under this 305
division, no student shall be disqualified from membership on the 306
board of trustees because the student receives a scholarship, 307
grant, loan, or any other financial assistance payable out of the 308
state treasury or a university fund, or because the student is 309
employed by the university in a position pursuant to a work-study 310

program or other student employment, including as a graduate 311
 teaching assistant, graduate administrative assistant, or graduate 312
 research assistant, the compensation for which is payable out of 313
 the state treasury or a university fund. 314

Acceptance of such financial assistance or employment by a 315
 student trustee shall not be considered a violation of Chapter 316
 102. or section 2921.42 or 2921.43 of the Revised Code. 317

(D)(1) The initial terms of office for the three additional 318
 trustees appointed in 2005 shall commence on a date in 2005 that 319
 is selected by the governor with one term of office expiring on 320
 May 13, 2009, one term of office expiring on May 13, 2010, and one 321
 term of office expiring on May 13, 2011, as designated by the 322
 governor upon appointment. Thereafter terms of office for trustees 323
appointed prior to January 1, 2024, shall be for nine years, as 324
 provided in division ~~(A)~~(A)(1) of this section. Terms of office 325
for trustees appointed on or after January 1, 2024, shall be for 326
six years, as provided in division (A)(2) of this section. 327

(2) The initial terms of office for the three additional 328
 trustees appointed in 2006 shall commence on May 14, 2006, with 329
 one term of office expiring on May 13, 2012, one term of office 330
 expiring on May 13, 2013, and one term of office expiring on May 331
 13, 2014, as designated by the governor upon appointment. 332
 Thereafter terms of office for trustees appointed prior to January 333
1, 2024, shall be for nine years, as provided in division 334
~~(A)~~(A)(1) of this section. Terms of office for trustees appointed 335
on or after January 1, 2024, shall be for six years, as provided 336
in division (A)(2) of this section. 337

Sec. 3337.01. (A) The body politic and corporate by the name 338
 and style of "The President and Trustees of the Ohio University" 339

now in the university instituted and established in Athens by the 340
name and style of "The Ohio University" shall consist of a board 341
of trustees composed of eleven members, who shall be appointed by 342
the governor, with the advice and consent of the senate. At least 343
five of the trustees who are not students shall be graduates of 344
Ohio university. Two of the trustees shall be students at Ohio 345
university, and their selection and terms shall be in accordance 346
with division (B) of this section. A majority of the board 347
constitutes a quorum. ~~Except~~ For trustees appointed prior to 348
January 1, 2024, except for the terms of student members, terms of 349
office shall be for nine years, commencing on the fourteenth day 350
of May and ending on the thirteenth day of May, except that upon 351
expiration of the term ending on May 14, 1978, the new term which 352
succeeds it shall commence on May 15, 1978, and end on May 13, 353
1987. For trustees appointed on or after January 1, 2024, except 354
for the terms of student members, terms of office shall be for six 355
years, commencing on the fourteenth day of May and ending on the 356
thirteenth day of May. Each member shall hold office from the date 357
of appointment until the end of the term for which the member was 358
appointed. Any member appointed to fill a vacancy occurring prior 359
to the expiration of the term for which the member's predecessor 360
was appointed shall hold office for the remainder of such term. 361
Any member shall continue in office subsequent to the expiration 362
date of the member's term until the member's successor takes 363
office, or until a period of sixty days has elapsed, whichever 364
occurs first. ~~No person who has served a full nine year term or~~ 365
~~more than six years of such a term shall be eligible for~~ 366
~~reappointment until a period of four years has elapsed since the~~ 367
~~last day of the term for which the person previously served.~~ Such 368
trustees shall receive no compensation for their services, but 369
shall be paid their actual and necessary expenses while engaged in 370

the discharge of their official duties. 371

(B) The student members of the board of trustees of the Ohio 372
 university have no voting power on the board. Student members 373
 shall not be considered as members of the board in determining 374
 whether a quorum is present. Student members shall not be entitled 375
 to attend executive sessions of the board. The student members of 376
 the board shall be appointed by the governor, with the advice and 377
 consent of the senate, from a group of five candidates selected 378
 pursuant to a procedure adopted by the university's student 379
 governments and approved by the university's board of trustees. 380
 The initial term of office of one of the student members shall 381
 commence on May 14, 1988, and shall expire on May 13, 1989, and 382
 the initial term of office of the other student member shall 383
 commence on May 14, 1988, and expire on May 13, 1990. Thereafter, 384
 terms of office of student members shall be for two years, each 385
 term ending on the same day of the same month of the year as the 386
 term it succeeds. In the event that a student member cannot 387
 fulfill the student member's two-year term, a replacement shall be 388
 selected to fill the unexpired term in the same manner used to 389
 make the original selection. 390

Sec. 3339.01. (A) The government of Miami university shall be 391
 vested in eleven trustees, who shall be appointed by the governor 392
 with the advice and consent of the senate. Two of the trustees 393
 shall be students at Miami university, and their selection and 394
 terms shall be in accordance with division (B) of this section. A 395
 majority of the board constitutes a quorum. ~~Except For trustees~~ 396
appointed prior to January 1, 2024, except for the terms of 397
 student members, terms of office shall be for nine years, 398
 commencing on the first day of March and ending on the last day of 399
 February, except that upon expiration of the trustee term ending 400

on March 1, 1974, the trustee term which succeeds it shall 401
commence on March 2, 1974, and end on February 28, 1983; upon 402
expiration of the trustee term ending on March 1, 1977, the 403
trustee term which succeeds it shall commence on March 2, 1977, 404
and end on February 28, 1986; upon expiration of the trustee term 405
ending on March 1, 1978, the trustee term which succeeds it shall 406
commence on March 2, 1978, and end on February 28, 1987; and upon 407
expiration of the trustee term ending on March 1, 1979, the 408
trustee term which succeeds it shall commence on March 2, 1979, 409
and end on February 29, 1988. For trustees appointed on or after 410
January 1, 2024, except for the terms of student members, terms of 411
office shall be for six years, commencing on the first day of 412
March and ending on the last day of February. Each trustee shall 413
hold office from the date of appointment until the end of the term 414
for which the trustee was appointed. Any trustee appointed to fill 415
a vacancy occurring prior to the end of the term for which the 416
trustee's predecessor was appointed shall hold office for the 417
remainder of such term. Any trustee shall continue in office 418
subsequent to the expiration date of the trustee's term until a 419
successor takes office, or until a period of sixty days has 420
elapsed, whichever occurs first. ~~No person who has served a full 421
nine year term or more than six years of such a term shall be 422
eligible for reappointment until a period of four years has 423
elapsed since the last day of the term for which the person 424
previously served.~~ The trustees shall receive no compensation for 425
their services but shall be paid their reasonable necessary 426
expenses while engaged in the discharge of their official duties. 427

(B) The student members of the board of trustees of Miami 428
university have no voting power on the board. Student members 429
shall not be considered as members of the board in determining 430
whether a quorum is present. Student members shall not be entitled 431

to attend executive sessions of the board. The student members of
the board shall be appointed by the governor, with the advice and
consent of the senate, from a group of five candidates selected
pursuant to a procedure adopted by the university's student
governments and approved by the university's board of trustees.
The initial term of office of one of the student members shall
commence on March 1, 1988, and shall expire on February 28, 1989,
and the initial term of office of the other student member shall
commence on March 1, 1988, and expire on February 28, 1990.
Thereafter, terms of office of student members shall be for two
years, each term ending on the last day of February. In the event
that a student member cannot fulfill the student member's two-year
term, a replacement shall be selected to fill the unexpired term
in the same manner used to make the original selection.

Sec. 3341.02. (A) The government of Bowling Green state
university is vested in a board of eleven trustees, who shall be
appointed by the governor, with the advice and consent of the
senate. Two of the trustees shall be students at Bowling Green
state university, and their selection and terms shall be in
accordance with division (B) of this section. A majority of the
board constitutes a quorum. ~~Except For trustees appointed prior to~~
January 1, 2024, except for the terms of student members, terms of
office shall be for nine years, commencing on the seventeenth day
of May and ending on the sixteenth day of May. ~~No person who has~~
~~served a full nine year term or more than six years of such a term~~
~~shall be eligible for reappointment until a period of four years~~
~~has elapsed since the last day of the term for which the person~~
~~previously served.~~ For trustees appointed on or after January 1,
2024, except for the terms of student members, terms of office
shall be for six years, commencing on the seventeenth day of May

and ending on the sixteenth day of May. 462

(B) The student members of the board of trustees of Bowling 463
Green state university have no voting power on the board. Student 464
members shall not be considered as members of the board in 465
determining whether a quorum is present. Student members shall not 466
be entitled to attend executive sessions of the board. The student 467
members of the board shall be appointed by the governor, with the 468
advice and consent of the senate, from a group of five candidates 469
selected pursuant to a procedure adopted by the university's 470
student governments and approved by the university's board of 471
trustees. The initial term of office of one of the student members 472
shall commence on March 17, 1988, and shall expire on March 16, 473
1989, and the initial term of office of the other student member 474
shall commence on March 17, 1988, and expire on March 16, 1990. 475
After September 22, 2000, terms of office shall commence on the 476
seventeenth day of May and shall end on the sixteenth day of May. 477
Terms of office of student members shall be for two years, each 478
term ending on the same day of the same month of the year as the 479
term it succeeds. In the event that a student member cannot 480
fulfill the student member's two-year term, a replacement shall be 481
selected in the manner used for the original selection to fill the 482
unexpired term. 483

(C) The government of Kent state university is vested in a 484
board of eleven trustees, who shall be appointed by the governor, 485
with the advice and consent of the senate. Two of the trustees 486
shall be students at Kent state university, and their selection 487
and terms shall be in accordance with division (D) of this 488
section. A majority of the board constitutes a quorum. ~~Except For~~ 489
trustees appointed prior to January 1, 2024, except for the terms 490
of student members, terms of office shall be for nine years, 491
commencing on the seventeenth day of May and ending on the 492

sixteenth day of May. ~~No person who has served a full nine year~~ 493
~~term or more than six years of such a term shall be eligible for~~ 494
~~reappointment until a period of four years has elapsed since the~~ 495
~~last day of the term for which the person previously served. For~~ 496
trustees appointed on or after January 1, 2024, except for the 497
terms of student members, terms of office shall be for six years, 498
commencing on the seventeenth day of May and ending on the 499
sixteenth day of May. 500

(D) The student members of the board of trustees of Kent 501
state university have no voting power on the board. Student 502
members shall not be considered as members of the board in 503
determining whether a quorum is present. Student members shall not 504
be entitled to attend executive sessions of the board. The student 505
members of the board shall be appointed by the governor, with the 506
advice and consent of the senate, from a group of five candidates 507
selected pursuant to a procedure adopted by the university's 508
student governments and approved by the university's board of 509
trustees. The initial term of office of one of the student members 510
shall commence on May 17, 1988, and shall expire on May 16, 1989, 511
and the initial term of office of the other student member shall 512
commence on May 17, 1988, and expire on May 16, 1990. Thereafter, 513
terms of office of student members shall be for two years, each 514
term ending on the same day of the same month of the year as the 515
term it succeeds. In the event that a student member cannot 516
fulfill the student member's two-year term, a replacement shall be 517
selected to fill the unexpired term in the same manner used to 518
make the original selection. 519

(E) The trustees shall receive no compensation for their 520
services but shall be paid their reasonable necessary expenses 521
while engaged in the discharge of their official duties. 522

(F) Each trustee shall hold office from the date of 523

524 appointment until the end of the term for which the trustee was
 525 appointed. Any trustee appointed to fill a vacancy occurring prior
 526 to the expiration of the term for which the trustee's predecessor
 527 was appointed shall hold office for the remainder of such term.
 528 Any trustee shall continue in office subsequent to the expiration
 529 date of the trustee's term until a successor takes office, or
 530 until a period of sixty days has elapsed, whichever occurs first.

Sec. 3343.02. (A) The government of Central state university 531
 shall be vested in a board of trustees to be known as "the board 532
 of trustees of the Central state university." Such board shall 533
 consist of eleven members who shall be appointed by the governor, 534
 with the advice and consent of the senate. Two of the trustees 535
 shall be students at Central state university, and their selection 536
 and terms shall be in accordance with division (B) of this 537
 section. A majority of the board constitutes a quorum. ~~Except For~~ 538
trustees appointed prior to January 1, 2024, except for the 539
 student members, terms of office shall be for nine years, 540
 commencing on the first day of July and ending on the thirtieth 541
 day of June. For trustees appointed on or after January 1, 2024, 542
except for the student members, terms of office shall be for six 543
years, commencing on the first day of July and ending on the 544
thirtieth day of June. Each member shall hold office from the date 545
 of appointment until the end of the term for which the member was 546
 appointed. Any member appointed to fill a vacancy occurring prior 547
 to the expiration of the term for which the member's predecessor 548
 was appointed shall hold office for the remainder of such term. 549
 Any member shall continue in office subsequent to the expiration 550
 date of the member's term until the member's successor takes 551
 office, or until a period of sixty days has elapsed, whichever 552
 occurs first. ~~No person who has served a full nine year term or~~ 553

~~more than six years of such a term shall be eligible for 554
reappointment until a period of four years has elapsed since the 555
last day of the term for which the person previously served. 556~~

(B) The student members of the board of trustees of Central 557
state university have no voting power on the board. Student 558
members shall not be considered as members of the board in 559
determining whether a quorum is present. Student members shall not 560
be entitled to attend executive sessions of the board. The student 561
members of the board shall be appointed by the governor, with the 562
advice and consent of the senate, from a group of five candidates 563
selected pursuant to a procedure adopted by the university's 564
student governments and approved by the university's board of 565
trustees. The initial term of office of one of the student members 566
shall commence on July 1, 1988, and shall expire on June 30, 1989, 567
and the initial term of office of the other student member shall 568
commence on July 1, 1988, and expire on June 30, 1990. Thereafter, 569
terms of office of student members shall be for two years, each 570
term ending on the same day of the same month of the year as the 571
term it succeeds. In the event that a student member cannot 572
fulfill a two-year term, a replacement shall be selected to fill 573
the unexpired term in the same manner used to make the original 574
selection. 575

Sec. 3344.01. (A) There is hereby created the Cleveland state 576
university. The government of the Cleveland state university is 577
vested in a board of eleven trustees, who shall be appointed by 578
the governor, with the advice and consent of the senate. Two of 579
the trustees shall be students at the Cleveland state university, 580
and their selection and terms shall be in accordance with division 581
(B) of this section. ~~Except For trustees appointed prior to 582~~
January 1, 2024, except for the student members, terms of office 583

shall be for nine years, commencing on the second day of May and 584
ending on the first day of May. For trustees appointed on or after 585
January 1, 2024, except for the student members, terms of office 586
shall be for six years, commencing on the second day of May and 587
ending on the first day of May. Each trustee shall hold office 588
from the date of appointment until the end of the term for which 589
the trustee was appointed. Any trustee appointed to fill a vacancy 590
occurring prior to the expiration of the term for which the 591
trustee's predecessor was appointed shall hold office for the 592
remainder of such term. Any trustee shall continue in office 593
subsequent to the expiration date of the trustee's term until the 594
trustee's successor takes office, or until a period of sixty days 595
has elapsed, whichever occurs first. ~~No person who has served a~~ 596
~~full nine year term or more than six years of such a term shall be~~ 597
~~eligible for reappointment until a period of four years has~~ 598
~~elapsed since the last day of the term for which the person~~ 599
~~previously served.~~ The trustees shall receive no compensation for 600
their services but shall be paid their reasonable necessary 601
expenses while engaged in the discharge of their official duties. 602
A majority of the board constitutes a quorum. 603

(B) The student members of the board of trustees of the 604
Cleveland state university have no voting power on the board. 605
Student members shall not be considered as members of the board in 606
determining whether a quorum is present. Student members shall not 607
be entitled to attend executive sessions of the board. The student 608
members of the board shall be appointed by the governor, with the 609
advice and consent of the senate, from a group of five candidates 610
selected pursuant to a procedure adopted by the university's 611
student governments and approved by the university's board of 612
trustees. The initial term of office of one of the student members 613
shall commence on May 2, 1988, and shall expire on May 1, 1989, 614

and the initial term of office of the other student member shall 615
commence on May 2, 1988, and expire on May 1, 1990. Thereafter, 616
terms of office of student members shall be for two years, each 617
term ending on the same day of the same month of the year as the 618
term it succeeds. In the event that a student member cannot 619
fulfill a two-year term, a replacement shall be selected to fill 620
the unexpired term in the same manner used to make the original 621
selection." 622

After line 48993, insert: 623

"Sec. 3345.029. (A) As used in this section: 624

(1) "Community college" has the same meaning as in section 625
3333.168 of the Revised Code. 626

(2) "Course syllabus" means a document produced for students 627
by a course instructor that includes all of the following: 628

(a) The name of the course instructor; 629

(b) A calendar for the course outlining what materials and 630
topics will be covered and when during the course they will be 631
covered; 632

(c) A list of any required or recommended readings for the 633
course; 634

(d) The course instructor's professional qualifications. 635

(3) "General syllabus" means a document produced for students 636
by a community college regarding a course that includes both of 637
the following: 638

(a) A calendar for the course outlining what materials and 639
topics will be covered and when during the course they will be 640
covered; 641

<u>(b) A list of any required or recommended readings for the course.</u>	642
	643
<u>(4) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.</u>	644
	645
<u>(B) Each state institution of higher education shall make a syllabus for each undergraduate course it offers for college credit publicly available by doing one of the following:</u>	646
	647
	648
<u>(1) Ensuring that each course instructor posts a course syllabus on a publicly accessible web site. Each such web site shall include the following information:</u>	649
	650
	651
<u>(a) The course instructor's professional qualifications;</u>	652
<u>(b) The course instructor's contact information;</u>	653
<u>(c) The course instructor's course schedule;</u>	654
<u>(d) The course syllabus for each course the instructor is currently teaching, which shall be accessible by link or download through the web site.</u>	655
	656
	657
<u>(2) Posting a course syllabus for each course on the institution's publicly accessible web site. Each course syllabus shall be all of the following:</u>	658
	659
	660
<u>(a) Accessible from the main page of the state institution's web site by use of not more than three links;</u>	661
	662
<u>(b) Searchable by keywords and phrases;</u>	663
<u>(c) Accessible to the public without requiring user registration of any kind.</u>	664
	665
<u>(3) If the institution is a community college, posting a general syllabus for a course on the college's publicly available web site. Each general syllabus shall be all of the following:</u>	666
	667
	668

<u>(a) Accessible from the main page of the college's web site</u>	669
<u>by use of not more than three links;</u>	670
<u>(b) Searchable by keywords and phrases;</u>	671
<u>(c) Accessible to the public without requiring user</u>	672
<u>registration of any kind.</u>	673
<u>(C)(1) Each state institution shall make a syllabus available</u>	674
<u>in accordance with division (B) of this section not later than the</u>	675
<u>first day of classes for the semester or academic term in which</u>	676
<u>the course is offered.</u>	677
<u>(2) For any syllabus posted under division (B)(1) of this</u>	678
<u>section that is no longer used, the course instructor shall, upon</u>	679
<u>request, make that syllabus available for not less than two years</u>	680
<u>after that syllabus was posted under that division.</u>	681
<u>(3) Any syllabus posted under division (B)(2) or (3) of this</u>	682
<u>section shall remain posted on the state institution's web site</u>	683
<u>for not less than two years after it was first posted.</u>	684
<u>(4) To the extent practicable, each state institution shall</u>	685
<u>ensure that the most recently updated syllabus for each</u>	686
<u>undergraduate course it offers for college credit is posted in</u>	687
<u>accordance with division (B) of this section.</u>	688
<u>(D) Divisions (B) and (C) of this section do not apply to a</u>	689
<u>college course that is offered through the college credit plus</u>	690
<u>program established under Chapter 3365. of the Revised Code,</u>	691
<u>delivered in a secondary school, and taught by a high school</u>	692
<u>teacher.</u>	693
<u>(E) Each state institution shall designate an administrator</u>	694
<u>to implement the institution's responsibilities under this</u>	695
<u>section. The administrator may assign duties for that purpose to</u>	696
<u>one or more administrative employees.</u>	697

(F) Not later than the first day of January of each year, all 698
of the following apply: 699

(1) Each state institution shall submit a written report 700
regarding its compliance with the requirements under this section 701
to the chancellor of higher education. 702

(2) The chancellor shall prepare a report that includes each 703
report received from a state institution under this division. 704

(3) The chancellor shall submit the chancellor's report to 705
the governor, speaker of the house of representatives, president 706
of the senate, and chairpersons of the senate and house of 707
representatives standing committees that consider higher education 708
legislation. 709

Sec. 3345.0216. Each state institution of higher education, 710
as defined in section 3345.011 of the Revised Code, shall 711
incorporate all of the following statements into a statement of 712
commitment: 713

(A) The institution declares that it will educate students by 714
means of free, open, and rigorous intellectual inquiry to seek the 715
truth. 716

(B) The institution declares that its duty is to equip 717
students with the opportunity to develop the intellectual skills 718
they need to reach their own, informed conclusions. 719

(C) The institution declares that its duty is to ensure that, 720
within or outside the classroom, the institution shall not 721
require, favor, disfavor, or prohibit speech or lawful assembly. 722

(D) The institution declares it is committed to create a 723
community dedicated to an ethic of civil and free inquiry, which 724
respects the autonomy of each member, supports individual 725

capacities for growth, and tolerates the differences in opinion 726
that naturally occur in a public higher education community. 727

(E) The institution declares that its duty is to treat all 728
faculty, staff, and students as individuals, to hold them to equal 729
standards, and to provide them equality of opportunity. 730

Sec. 3345.0217. (A) As used in this section: 731

(1) "Controversial belief or policy" means any belief or 732
policy that is the subject of political controversy, including 733
issues such as climate policies, electoral politics, foreign 734
policy, diversity, equity, and inclusion programs, immigration 735
policy, marriage, or abortion. 736

(2) "Intellectual diversity" means multiple, divergent, and 737
varied perspectives on an extensive range of public policy issues. 738

(3) "Specified concept" means a concept such as allyship, 739
diversity, social justice, sustainability, systematic racism, 740
equity, or inclusion. 741

(4) "Specified ideology" means any ideology that classifies 742
individuals within identity groups, divides identity groups into 743
oppressed and oppressors, and prescribes advantages, 744
disadvantages, or segregation based upon identity group 745
membership. 746

(5) "State institution of higher education" has the same 747
meaning as in section 3345.011 of the Revised Code. 748

(B) Not later than ninety days after the effective date of 749
this section, the board of trustees of each state institution of 750
higher education shall adopt and enforce a policy that requires 751
the institution to do all of the following: 752

(1) Prohibit any mandatory programs or training courses 753

regarding diversity, equity, and inclusion, unless the institution 754
determines the program or training course is exempt from that 755
prohibition because the program or course is required to do any of 756
the following: 757

(a) Comply with state and federal laws or regulations; 758

(b) Comply with professional licensure requirements; 759

(c) Obtain or retain accreditation; 760

(d) Secure or retain grants or cooperative agreements; 761

(e) Apply policies of the state institution of higher 762
education with respect to employee or student discipline. 763

(2) Affirm and declare that its primary function is to 764
practice, or support the practice, discovery, improvement, 765
transmission, and dissemination of knowledge by means of research, 766
teaching, discussion, and debate; 767

(3) Affirm and declare that, to fulfill the function 768
described in division (B)(2) of this section, the institution 769
shall ensure the fullest degree of intellectual diversity; 770

(4) Affirm and declare that faculty and staff shall allow and 771
encourage students to reach their own conclusions about all 772
controversial beliefs or policies and shall not seek to inculcate 773
any social, political, or religious point of view; 774

(5) Demonstrate intellectual diversity for course approval, 775
approval of courses to satisfy general education requirements, 776
student course evaluations, common reading programs, annual 777
reviews, strategic goals for each department, and student learning 778
outcomes. 779

Divisions (B)(2) to (5) of this section do not apply to the 780
exercise of professional judgment about how to accomplish 781

intellectual diversity within an academic discipline, unless that 782
exercise is misused to constrict intellectual diversity. 783

(6) Declare that it will not endorse or oppose, as an 784
institution, any controversial belief or policy, specified 785
concept, or specified ideology, although it may endorse the 786
congress of the United States when it establishes a state of armed 787
hostility against a foreign power. 788

This division does not include the recognition of national 789
and state holidays, support for the Constitution and laws of the 790
United States or the state of Ohio, or the display of the American 791
or Ohio flag. 792

(7) Affirm and declare that the institution will not 793
encourage, discourage, require, or forbid students, faculty, or 794
administrators to endorse, assent to, or publicly express a given 795
ideology, political stance, or view of a social policy, nor will 796
the institution require students to do any of those things to 797
obtain an undergraduate or post-graduate degree; 798

Divisions (B)(6) and (7) of this section do not apply to the 799
exercise of professional judgment about whether to endorse the 800
consensus or foundational beliefs of an academic discipline, 801
unless that exercise is misused to take an action prohibited in 802
division (B)(6) of this section. 803

(8) Prohibit political and ideological litmus tests in all 804
hiring, promotion, and admissions decisions, including diversity 805
statements and any other requirement that applicants describe 806
their commitment to a specified concept, specified ideology, or 807
any other ideology, principle, concept, or formulation that 808
requires commitment to any controversial belief or policy; 809

(9) Affirm and declare that no hiring, promotion, or 810

admissions process or decision shall encourage, discourage, require, or forbid students, faculty, or administrators to endorse, assent to, or publicly express a given ideology or political stance; 811
812
813
814

(10) Affirm and declare that the institution will not use a diversity statement or any other assessment of an applicant's political or ideological views in any hiring, promotions, or admissions process or decision; 815
816
817
818

(11) Affirm and declare that no process or decision regulating conditions of work or study, such as committee assignments, course scheduling, or workload adjustment policies, shall encourage, discourage, require, or forbid students, faculty, or administrators to endorse, assent to, or publicly express a given ideology or political stance; 819
820
821
822
823
824

(12) Affirm and declare that the institution will seek out invited speakers who have diverse ideological or political views; 825
826

(13) Post prominently on its web site a complete list of all speaker fees, honoraria, and other emoluments in excess of five hundred dollars for events that are sponsored by the state institution. That information shall be all of the following: 827
828
829
830

(a) Accessible from the main page of the institution's web site by use of not more than three links; 831
832

(b) Searchable by keywords and phrases; 833

(c) Accessible to the public without requiring user registration of any kind. 834
835

(C)(1) Prior to the initial offering of a diversity, equity, and inclusion program or training course, a state institution of higher education shall provide a written report to the chancellor of higher education explaining why that program or course 836
837
838
839

<u>qualifies for an exemption described in divisions (B)(1)(a) to (e)</u>	840
<u>of this section. The report shall include all of the following:</u>	841
<u>(a) The specific law, licensure requirement, accreditation,</u>	842
<u>grant, or cooperative agreement at issue;</u>	843
<u>(b) The specific language in the law, licensure requirement,</u>	844
<u>accreditation, grant, or cooperative agreement that requires the</u>	845
<u>training;</u>	846
<u>(c) A detailed description of the diversity, equity, and</u>	847
<u>inclusion program or training to be taught, including any</u>	848
<u>materials that will be used;</u>	849
<u>(d) The specific population of individuals who will be</u>	850
<u>mandated to take the training;</u>	851
<u>(e) The number of times the training is expected to be</u>	852
<u>offered on a six-month basis;</u>	853
<u>(f) An estimate of the cost of the program or training;</u>	854
<u>(g) In the case of an exemption reported for an</u>	855
<u>accreditation, proof that alternative accreditation has been</u>	856
<u>researched and evaluated. An alternative accreditation is an</u>	857
<u>accreditation that would obtain the same or similar results for</u>	858
<u>the institution while not requiring a diversity, equity, and</u>	859
<u>inclusion program or training.</u>	860
<u>(2) If a state institution of higher education makes a change</u>	861
<u>to a diversity, equity, and inclusion program or training course</u>	862
<u>reported to the chancellor under this division due to a change in</u>	863
<u>the information listed in division (C)(1) of this section, the</u>	864
<u>institution shall submit a new exemption report under this</u>	865
<u>division with respect to that program or training.</u>	866
<u>(D) At least once every six months, the chancellor shall</u>	867
<u>prepare a report that summarizes all exemptions reported under</u>	868

division (C) of this section during that six-month period. The 869
chancellor shall submit each report to the chairpersons of the 870
standing committees of the senate and the house of representatives 871
that consider higher education legislation. 872

(E) The board of trustees of each state institution of higher 873
education shall establish a process by which a student, student 874
group, or faculty member may submit a complaint about an alleged 875
violation of the prohibitions and requirements included in the 876
policy adopted under this section by an employee of the state 877
institution of higher education. The process shall comply with 878
standards adopted by the chancellor of higher education. The 879
process shall require the state institution to investigate the 880
alleged violation and conduct a fair and impartial hearing 881
regarding the alleged violation. If the hearing results in a 882
determination that a violation has occurred, the board of trustees 883
shall determine a resolution to address the violation and prevent 884
further violations of the state institution's policy. 885

(F) Nothing in this section prohibits faculty or students 886
from classroom instruction, discussion, or debate, so long as 887
faculty members remain committed to expressing intellectual 888
diversity and allowing intellectual diversity to be expressed. 889

Sec. 3345.0218. (A) As used in this section: 890

(1) "Intellectual diversity" has the same meaning as in 891
section 3345.0217 of the Revised Code. 892

(2) "State institution of higher education" has the same 893
meaning as in section 3345.011 of the Revised Code. 894

(B) Each state institution of higher education shall 895
implement a range of disciplinary sanctions for any administrator, 896
faculty member, staff, or student who interferes with the 897

intellectual diversity rights, prescribed under section 3345.0217 898
of the Revised Code, of another. 899

(C) Each state institution shall inform all of its students 900
and employees of the protections afforded to them under section 901
3345.0217 of the Revised Code and any policies it has adopted to 902
put them into practice, including by providing the information to 903
new employees and to each student during any new student 904
orientation the institution offers. 905

(D) Each state institution shall issue an annual report on 906
any violations of the intellectual diversity rights prescribed 907
under section 3345.0217 of the Revised Code by any individual 908
under the institution's jurisdiction and any consequent 909
disciplinary sanctions issued for that violation. 910

(E) Each state institution shall post the information 911
described in division (C) of this section and a report issued 912
under division (D) of this section on the institution's publicly 913
accessible web site. Both the information and report shall be all 914
of the following: 915

(1) Accessible from the main page of the institution's web 916
site by use of not more than three links; 917

(2) Searchable by keywords and phrases; 918

(3) Accessible to the public without requiring user 919
registration of any kind." 920

After line 49308, insert: 921

"**Sec. 3345.382.** (A) As used in this section, "state 922
institution of higher education" has the same meaning as in 923
section 3345.011 of the Revised Code. 924

(B) The chancellor of higher education shall develop a course 925

<u>with not fewer than three credit hours in the subject area of</u>	926
<u>American government or American history. The course shall comply</u>	927
<u>with the criteria, policies, and procedures established under</u>	928
<u>section 3333.16 of the Revised Code. The course may be offered</u>	929
<u>under the college credit plus program established under Chapter</u>	930
<u>3365. of the Revised Code. The course shall, at a minimum, require</u>	931
<u>each student to read all the following:</u>	932
<u>(1) The entire Constitution of the United States;</u>	933
<u>(2) The entire Declaration of Independence;</u>	934
<u>(3) A minimum of five essays in their entirety from the</u>	935
<u>Federalist Papers. The essays shall be selected by the department</u>	936
<u>chair.</u>	937
<u>(4) The entire Emancipation Proclamation;</u>	938
<u>(5) The entire Gettysburg Address;</u>	939
<u>(6) The entire Letter from Birmingham Jail written by Dr.</u>	940
<u>Martin Luther King Jr.</u>	941
<u>Any student who takes the course shall be required to pass a</u>	942
<u>cumulative final examination at the conclusion of the course that</u>	943
<u>assesses student proficiency about the documents described in</u>	944
<u>divisions (B)(1) to (6) of this section.</u>	945
<u>(C) Beginning with students who graduate from a state</u>	946
<u>institution of higher education in the spring semester, or</u>	947
<u>equivalent quarter, of the 2028-2029 academic year, no state</u>	948
<u>institution of higher education shall grant a bachelor's degree to</u>	949
<u>any student unless the student completes a course described in</u>	950
<u>division (B) of this section or is a student described in division</u>	951
<u>(D) of this section.</u>	952
<u>(D) The president of a state institution, or the president's</u>	953

designee, may exempt a student from the requirement to complete a 954
course described in division (B) of this section if the president 955
or designee determines that the student has either: 956

(1) Completed at least three credit hours, or the equivalent, 957
in a course in the subject area of American history or American 958
government; 959

(2) Passed an examination, developed by the chancellor, that 960
assesses the student's competence in the documents and concepts 961
described in division (B) of this section. 962

(E) This section does not apply to associate's degrees 963
programs." 964

After line 49328, insert: 965

"**Sec. 3345.45.** (A) ~~On or before January 1, 1994, the~~ The 966
chancellor of higher education jointly with all state ~~universities~~ 967
institutions of higher education, as defined in section 3345.011 968
of the Revised Code, shall develop standards for instructional 969
workloads for full-time and part-time faculty in keeping with the 970
~~universities'~~ institutions' missions and with special emphasis on 971
the undergraduate learning experience. The standards shall contain 972
clear guidelines for institutions to determine a range of 973
acceptable undergraduate teaching by faculty. 974

(B) ~~On or before June 30, 1994, the~~ The board of trustees of 975
each state ~~university~~ institution of higher education shall take 976
formal action to adopt a faculty workload policy consistent with 977
the standards developed under this section. ~~Notwithstanding~~ 978
~~section 4117.08 of the Revised Code, the policies adopted under~~ 979
~~this section are not appropriate subjects for collective~~ 980
~~bargaining. Notwithstanding division (A) of section 4117.10 of the~~ 981
~~Revised Code, any policy adopted under this section by a board of~~ 982

~~trustees prevails over any conflicting provisions of any~~ 983
~~collective bargaining agreement between an employees organization~~ 984
~~and that board of trustees.~~ 985

(C)(1) The board of trustees of each state ~~university~~ 986
institution of higher education shall review the ~~university's~~ 987
institution's policy on faculty tenure and update that policy to 988
 promote excellence in instruction, research, service, or 989
 commercialization, or any combination thereof. 990

(2) ~~Beginning on July 1, 2018, as~~ As a condition for a state 991
~~university~~ institution of higher education to receive any state 992
 funds for research that are allocated to the department of higher 993
 education under the appropriation line items referred to as either 994
 "research incentive third frontier fund" or "research incentive 995
 third frontier-tax," the chancellor shall require the ~~university~~ 996
institution to include multiple pathways for faculty tenure, one 997
 of which may be a commercialization pathway, in its policy. 998

(D)(1) At least once every five years, each state institution 999
of higher education shall update its faculty workload policy and 1000
submit the policy to the chancellor. The updated policies shall be 1001
approved by the state institution's board of trustees each time it 1002
is submitted to the chancellor. 1003

(2) Each state institution of higher education's faculty 1004
workload policy shall include all of the following: 1005

(a) An objective and numerically defined teaching workload 1006
expectation based on credit hours as defined in 34 C.F.R. 600.2; 1007

(b) A definition of all faculty workload elements in terms of 1008
credit hours as defined in 34 CFR 600.2 with a full-time workload 1009
minimum standard established by the board of trustees and made 1010
publicly accessible on the state institution's web site. 1011

(c) A definition of justifiable credit hour equivalents for activities other than teaching, including research, clinical care, administration, service, and other activities as determined by the state institution of higher education; 1012
1013
1014
1015

(d) Administrative action that a state institution of higher education may take, including censure, remedial training, for-cause termination, or other disciplinary action, regardless of tenure status, if a faculty member fails to comply with the policy's requirements. Termination under these circumstances requires the recommendation of the dean, provost, or equivalent official, concurrence of the state institution of higher education's president, and approval of the state institution of higher education's board of trustees. 1016
1017
1018
1019
1020
1021
1022
1023
1024

Sec. 3345.451. (A) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 1025
1026
1027

(B) The chancellor of higher education shall develop a minimum set of standard questions for use by state institutions of higher education in student evaluations of faculty members. The questions shall include the following: 1028
1029
1030
1031

"Does the faculty member create a classroom atmosphere free of political, racial, gender, and religious bias?" 1032
1033

(C) Each state institution of higher education shall establish a written system of faculty evaluations completed by students with a focus on teaching effectiveness and student learning. Each state institution shall include in its student evaluations of faculty the minimum set of standard questions developed by the department in division (B) of this section. 1034
1035
1036
1037
1038
1039

(D) Each state institution of higher education shall 1040

establish a written system of peer evaluations for faculty members 1041
with emphasis placed on the faculty member's professional 1042
development regarding the faculty member's teaching 1043
responsibilities. 1044

Sec. 3345.452. (A) As used in this section, "state 1045
institution of higher education" has the same meaning as in 1046
section 3345.011 of the Revised Code. 1047

(B) The board of trustees of each state institution of higher 1048
education shall adopt a faculty annual performance evaluation 1049
policy and submit the policy to the chancellor of higher 1050
education. Each policy must contain an appeals process for faculty 1051
to appeal the final evaluation. Each state institution's board of 1052
trustees shall review and update its policy every five years. 1053

(C) Each state institution of higher education shall conduct 1054
an annual evaluation for each full-time faculty member who it 1055
directly compensates. 1056

(D) Each faculty annual performance evaluation shall meet all 1057
of the following: 1058

(1) The evaluation is comprehensive and includes 1059
standardized, objective, and measurable performance metrics. 1060

(2) The evaluation includes an assessment of performance for 1061
each of the following areas that the faculty member has spent at 1062
least five per cent of their annual work time on over the 1063
preceding year: 1064

(a) Teaching; 1065

(b) Research; 1066

(c) Service; 1067

<u>(d) Clinical care;</u>	1068
<u>(e) Administration;</u>	1069
<u>(f) Other categories, as determined by the state institution of higher education.</u>	1070 1071
<u>(3) The evaluation includes a summary assessment of the performance areas listed in division (D)(2) of this section including the parameters "exceeds performance expectations," "meets performance expectations," or "does not meet performance expectations."</u>	1072 1073 1074 1075 1076
<u>(4) Student evaluations conducted pursuant to section 3345.451 of the Revised Code account for at least twenty-five per cent of the teaching area component of the evaluation.</u>	1077 1078 1079
<u>(5) The evaluation establishes a projected work effort distribution for the faculty member for the next year which shall be used during the next year's evaluation. The distribution shall be compliant with the state institution's established workload policies adopted under section 3345.45 of the Revised Code and shall receive approval from the dean of faculty or the equivalent.</u>	1080 1081 1082 1083 1084 1085
<u>(E) Evaluations shall be conducted by the department chairperson or equivalent administrator, reviewed and approved or disapproved by the dean, and submitted to the provost for review. If there is disagreement between the chairperson and dean, the provost shall have final decision authority.</u>	1086 1087 1088 1089 1090
<u>Sec. 3345.453. This section applies only to state institutions of higher education that have tenured faculty members.</u>	1091 1092 1093
<u>(A) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the</u>	1094 1095

Revised Code. 1096

(B) The board of trustees of each state institution of higher education shall adopt a post-tenure review policy and submit the policy to the chancellor of higher education. Each policy must contain an appeals process for tenured faculty whose post-tenure review process results in a recommendation for administrative action pursuant to division (G) of this section. Each state institution's board of trustees shall update the post-tenure review policy every five years. 1097
1098
1099
1100
1101
1102
1103
1104

(C) A state institution of higher education shall conduct a post-tenure review if a tenured faculty member receives a "does not meet performance expectations" evaluation within the same evaluative category for a minimum of two of the past three consecutive years on the faculty member's annual performance evaluation conducted pursuant to section 3345.452 of the Revised Code. 1105
1106
1107
1108
1109
1110
1111

(D) A state institution of higher education shall subject any faculty member who maintains tenure after a post-tenure review and receives an additional "does not meet performance expectations" assessment on any area of the faculty member's annual performance evaluation in the subsequent two years to an additional post-tenure review. 1112
1113
1114
1115
1116
1117

(E) The department chairperson, dean of faculty, or provost of a state institution of higher education may require an immediate and for cause post-tenure review at any time for a faculty member who has a documented and sustained record of significant underperformance outside of the faculty member's annual performance evaluation. For this purpose, for cause shall not be based on a faculty member's allowable expression of academic freedom as defined by the state institution of higher 1118
1119
1120
1121
1122
1123
1124
1125

education or Ohio law. 1126

(F) The state institution of higher education's post-tenure review due process period, from beginning to end, shall not exceed six months, except that a one-time two-month extension may be granted by the state institution's president. 1127
1128
1129
1130

(G) The state institution of higher education's provost shall submit a recommended outcome of the post-tenure review process to the institution's entity that is responsible for the final decision of post-tenure review pursuant to the institution's policy. The administrative action that a state institution of higher education may take includes censure, remedial training, or for-cause termination, regardless of tenure status, and any other action permitted by the institution's post-tenure review policy. 1131
1132
1133
1134
1135
1136
1137
1138

Sec. 3345.454. This section applies only to state institutions of higher education that have tenured faculty members. 1139
1140
1141

(A) As used in this section: 1142

(1) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 1143
1144

(2) "Retrenchment" means a process by which a state institution of higher education reduces programs or services, thus resulting in a temporary suspension or permanent separation of one or more institution faculty, to account for a reduction in student population or overall funding, a change to institutional missions or programs, or other fiscal pressures or emergencies facing the institution. 1145
1146
1147
1148
1149
1150
1151

(B) In addition to the policies described in sections 3345.45 to 3345.454 of the Revised Code, each state institution of higher 1152
1153

education board of trustees shall develop policies on tenure and 1154
retrenchment. Each state institution shall submit those policies 1155
to the chancellor of higher education. Each state institution's 1156
board of trustees shall update those policies every five years. 1157

Sec. 3345.455. With respect to a collective bargaining 1158
agreement entered into on or after the effective date of this 1159
section, both of the following apply to the standards, policies, 1160
and systems adopted under sections 3345.45 to 3345.454 of the 1161
Revised Code: 1162

(A) Notwithstanding section 4117.08 of the Revised Code, the 1163
standards, policies, and systems are not appropriate subjects for 1164
collective bargaining. 1165

(B) Notwithstanding division (A) of section 4117.10 of the 1166
Revised Code, the standards, policies, and systems prevail over 1167
any conflicting provision of a collective bargaining agreement." 1168

After line 49482, insert: 1169

"Sec. 3345.591. (A) As used in this section: 1170

(1) "Confucius institute" means a public education 1171
partnership that is both of the following: 1172

(a) Established by an institution of higher education in 1173
China and an institution of higher education in a different 1174
country; 1175

(b) Funded and arranged by an entity affiliated with the 1176
People's Republic of China. 1177

(2) "People's Republic of China" means the government of 1178
China, the Chinese Communist Party, the People's Liberation Army, 1179
or any other extension of, or entity affiliated with, the 1180

government of China. 1181

(3) "State institution of higher education" has the same 1182
meaning as in section 3345.011 of the Revised Code. 1183

(B) No state institution of higher education shall accept 1184
gifts, donations, or contributions from the People's Republic of 1185
China or any organization the institution reasonably suspects is 1186
acting on behalf of the People's Republic of China. 1187

Nothing in this section prohibits a state institution of 1188
higher education from accepting payments from Chinese citizens 1189
related to instructional fees, general fees, special fees, cost of 1190
instruction, or educational expenses or donations from the 1191
institution's alumni. 1192

(C) Each state institution shall submit to the chancellor of 1193
higher education a copy of the report it submits to the United 1194
States department of education pursuant to 20 U.S.C. 1011(f). 1195

(D) Upon the request, the chancellor shall make any 1196
information reported under division (C) of this section available 1197
to any member of the general assembly. 1198

(E) A state institution shall notify the chancellor of any 1199
new or renewed academic partnership with an academic or research 1200
institution located in China. A state institution shall only enter 1201
into a new or renewed academic partnership with an academic or 1202
research institution located in China if the state institution 1203
maintains sufficient structural safeguards to protect the state 1204
institution's intellectual property, the security of the state of 1205
Ohio, and the national security interests of the United States. 1206
The safeguards shall include, at a minimum, all of the following: 1207

(1) Compliance with all federal requirements, including the 1208
requirements of federal research sponsors and federal export 1209

<u>control agencies, including regulations regarding international</u>	1210
<u>traffic in arms and export administration regulations, and</u>	1211
<u>economic and trade sanctions administered by the federal office of</u>	1212
<u>foreign assets control;</u>	1213
<u>(2) Annual formal institution-level programs for faculty on</u>	1214
<u>conflicts of interest and conflicts of commitment;</u>	1215
<u>(3) A formalized foreign visitor process and uniform visiting</u>	1216
<u>scholar agreement.</u>	1217
<u>(F) The auditor of state shall audit the safeguards</u>	1218
<u>implemented by state institutions of higher education under</u>	1219
<u>division (E) of this section in the course of a normal audit</u>	1220
<u>conducted under section 117.46 of the Revised Code."</u>	1221
After line 49552, insert:	1222
<u>"Sec. 3345.80. (A) As used in this section, "state</u>	1223
<u>institution of higher education" has the same meaning as in</u>	1224
<u>section 3345.011 of the Revised Code.</u>	1225
<u>(B) For each biennial main operating appropriations bill and</u>	1226
<u>capital appropriations bill, each state institution of higher</u>	1227
<u>education shall prepare and submit to the chancellor of higher</u>	1228
<u>education, by a date determined by the chancellor, a rolling</u>	1229
<u>five-year summary of its institutional costs to be considered by</u>	1230
<u>the general assembly when evaluating operating and capital project</u>	1231
<u>funding. The chancellor shall submit a report including each state</u>	1232
<u>institution's five-year institutional cost summaries to the</u>	1233
<u>general assembly under section 101.68 of the Revised Code.</u>	1234
<u>(C) Each state institution of higher education's five-year</u>	1235
<u>institutional cost summary shall consist of the following</u>	1236
<u>categories:</u>	1237

<u>(1) All costs related to student instruction, including</u>	1238
<u>instructor salaries, benefits, and related operating costs;</u>	1239
<u>(2) All general staff costs related to maintenance, grounds,</u>	1240
<u>utilities, food service, and other areas as determined by the</u>	1241
<u>institution;</u>	1242
<u>(3) All other costs for staff, including academic</u>	1243
<u>administrators, counseling, financial aid assistance, healthcare</u>	1244
<u>services, and housing management.</u>	1245
<u>(D) Each of the categories presented in the five-year</u>	1246
<u>institutional cost summary shall include all of the following:</u>	1247
<u>(1) A detailed breakdown of annual costs and employee</u>	1248
<u>headcounts;</u>	1249
<u>(2) A complete accounting of all spending on diversity,</u>	1250
<u>equity, and inclusion, or related subjects;</u>	1251
<u>(3) An annual count of all faculty, administration, and</u>	1252
<u>employees.</u>	1253
<u>(E) The chancellor shall consult with state institutions of</u>	1254
<u>higher education to develop a standardized reporting format for</u>	1255
<u>the institutional cost summaries and a uniform approach to</u>	1256
<u>completing the categories required in division (C) of this</u>	1257
<u>section.</u>	1258
<u>(F) During the general assembly's consideration of the main</u>	1259
<u>operating appropriations and capital appropriations bills, the</u>	1260
<u>president of each state institution of higher education or the</u>	1261
<u>chancellor of higher education shall have the opportunity to</u>	1262
<u>present in the appropriate hearings conducted by committees that</u>	1263
<u>consider higher education legislation to provide commentary on</u>	1264
<u>trends, potential justifications, or other explanations regarding</u>	1265
<u>the institution's five-year summary of institutional costs.</u>	1266

(G) Prior to the enactment of the main operating appropriations and capital appropriations bills, the chancellor shall create and present to the general assembly an aggregation report summarizing the total institutional costs for state universities and community colleges separately. 1267
1268
1269
1270
1271

Sec. 3345.87. (A) As used in this section: 1272

(1) "Position, policy, program, and activity" includes all of the following: 1273
1274

(a) All forms of employment, including staff positions, internships, and work studies; 1275
1276

(b) All policies, including mission statements, hiring policies, promotion policies, and tenure policies; 1277
1278

(c) All programs and positions, including deanships, provostships, offices, programs, programs presented by residence halls, and committees; 1279
1280
1281

(d) All activities, including those conducted by the administrative units of orientation, first-year experience, student life, and residential life. 1282
1283
1284

(2) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 1285
1286

(B) With respect to every position, policy, program, and activity, each state institution of higher education shall do both of the following: 1287
1288
1289

(1) Treat all faculty, staff, and students as individuals, hold every individual to equal standards, and provide those individuals with equality of opportunity with regard to those individuals' race, ethnicity, religion, or sex; 1290
1291
1292
1293

<u>(2) Provide no advantage or disadvantage to faculty, staff,</u>	1294
<u>or students on the basis of race, ethnicity, religion, or sex in</u>	1295
<u>admissions, hiring, promotion, tenuring, or workplace conditions.</u>	1296
<u>(C) No state institution of higher education shall provide or</u>	1297
<u>require training for any administrator, teacher, staff member, or</u>	1298
<u>employee that advocates or promotes any of the following concepts:</u>	1299
<u>(1) One race or sex is inherently superior to another race or</u>	1300
<u>sex.</u>	1301
<u>(2) An individual, by virtue of his or her race or sex, is</u>	1302
<u>inherently racist, sexist, or oppressive, whether consciously or</u>	1303
<u>unconsciously.</u>	1304
<u>(3) An individual should be discriminated against or receive</u>	1305
<u>adverse treatment solely or partly because of the individual's</u>	1306
<u>race.</u>	1307
<u>(4) Members of one race cannot nor should not attempt to</u>	1308
<u>treat others without respect to race.</u>	1309
<u>(5) An individual's moral standing or worth is necessarily</u>	1310
<u>determined by the individual's race or sex.</u>	1311
<u>(6) An individual, by virtue of the individual's race or sex,</u>	1312
<u>bears responsibility for actions committed in the past by other</u>	1313
<u>members of the same race or sex.</u>	1314
<u>(7) An individual should feel discomfort, guilt, anguish, or</u>	1315
<u>any other form of psychological distress on account of his or her</u>	1316
<u>race or sex.</u>	1317
<u>(8) Meritocracy or traits such as hard work ethic are racist</u>	1318
<u>or sexist, or were created by members of a particular race to</u>	1319
<u>oppress members of another race.</u>	1320
<u>(9) Fault, blame, or bias should be assigned to a race or</u>	1321

sex, or to members of a race or sex because of their race or sex. 1322

Division (C) of this section shall not be construed to 1323
preclude a state institution of higher education from providing or 1324
facilitating continuing education that complies with this 1325
division's requirements to public safety officers. 1326

(D) Each state institution of higher education shall 1327
implement a range of disciplinary sanctions for any administrator, 1328
teacher, staff member, or employee who authorizes or engages in a 1329
training prohibited in division (C) of this section. 1330

(E) Each state institution of higher education shall issue an 1331
annual report regarding each of the following: 1332

(1) All violations of division (D) of this section committed 1333
by anyone under the institution's jurisdiction and of all 1334
consequent disciplinary sanctions; 1335

(2) Statistics on the academic qualifications of accepted and 1336
matriculating students, disaggregated by race and sex. The 1337
statistics shall include information correlating students' 1338
academic qualifications and retention rates, disaggregated by race 1339
and sex. 1340

(F) Each state institution of higher education shall post the 1341
reports prescribed under division (E) of this section in a 1342
prominent place on the institution's web site. The reports shall 1343
be: 1344

(1) Accessible from the main page of the institution's web 1345
site by use of not more than three links; 1346

(2) Searchable by keywords and phrases; 1347

(3) Accessible to the public without requiring user 1348
registration of any kind. 1349

(G) Each state institution of higher education shall prohibit all policies designed explicitly to segregate faculty, staff, or students based on those individuals' race, ethnicity, religion, or sex in credit-earning classroom settings, formal orientation ceremonies, and formal graduation ceremonies.

(H) The board of trustees of each state institution of higher education shall establish a process by which a student, student group, or faculty member may submit a complaint about an alleged violation of the prohibitions and requirements under this section by an employee of the state institution of higher education. The process shall comply with standards adopted by the chancellor of higher education. The process shall require the state institution to investigate the alleged violation and conduct a fair and impartial hearing regarding the alleged violation. If the hearing results in a determination that a violation has occurred, the board of trustees shall determine a resolution to address the violation and prevent further violation of the state institution's policy.

Sec. 3350.10. ~~(A) There is hereby created the northeast Ohio medical university. The principal goal of the medical university shall be to collaborate with the university of Akron, Cleveland state university, Kent state university, and Youngstown state university to graduate physicians oriented to the practice of medicine at the community level, especially family physicians. To accomplish this goal, the medical university may incorporate in the clinical experience provided its students the several community hospitals in the cities and areas served by the medical university; utilize practicing physicians as teachers; and to the fullest extent possible utilize the basic science capabilities of the university of Akron, Cleveland state university, Kent state~~

university, and Youngstown state universityThe government of 1380
northeast Ohio medical university is vested in a board of eleven 1381
trustees, who shall be appointed by the governor with the advice 1382
and consent of the senate pursuant to division (A)(2) of this 1383
section. 1384

(1) Until December 22, 2008, the government of the northeast 1385
 Ohio medical university is vested in a nine-member board of 1386
 trustees consisting of the presidents of the university of Akron, 1387
 Kent state university, and Youngstown state university; one member 1388
 each of the boards of trustees of the university of Akron, Kent 1389
 state university, and Youngstown state university, to be appointed 1390
 by their respective boards of trustees for a term of six years 1391
 ending on the first day of May or until the trustee's term on the 1392
 respective university board of trustees expires, whichever occurs 1393
 first; and one person each to be appointed by the boards of 1394
 trustees of the university of Akron, Kent state university, and 1395
 Youngstown state university, for a term of nine years ending on 1396
 the first day of May; except that the term of those first 1397
 appointed by the several boards of trustees shall expire on the 1398
 first day of May next following their appointment. Vacancies shall 1399
 be filled for the unexpired term in the manner provided for 1400
 original appointment. The trustees shall receive no compensation 1401
 for their services but shall be paid their reasonable necessary 1402
 expenses while engaged in the discharge of their official duties. 1403
 A majority of the board constitutes a quorum. 1404

(2) Beginning December 22, 2008, the government of the 1405
 northeast Ohio medical university is vested in a board of eleven 1406
 trustees, who shall be appointed by the governor, with the advice 1407
 and consent of the senate. Two of the trustees shall be current 1408
 students of the medical university, and their selection and terms 1409
 shall be in accordance with division (B) of this section. ~~Except~~ 1410

For trustees appointed prior to January 1, 2024, except as 1411
 provided in division (A)(3) of this section and except for the 1412
 student members, terms of office shall be for nine years. For 1413
trustees appointed on or after January 1, 2024, except for the 1414
student members, terms of office shall be for six years. Each 1415
 trustee shall hold office from the date of appointment until the 1416
 end of the term for which the trustee was appointed. Any trustee 1417
 appointed to fill a vacancy occurring prior to the expiration of 1418
 the term for which the trustee's predecessor was appointed shall 1419
 hold office for the remainder of such term. Any trustee shall 1420
 continue in office subsequent to the expiration date of the 1421
 trustee's term until the trustee's successor takes office, or 1422
 until a period of sixty days has elapsed, whichever occurs first. 1423
~~No person who has served a full nine year term or more than six~~ 1424
~~years of such a term shall be eligible for reappointment until a~~ 1425
~~period of four years has elapsed since the last day of the term~~ 1426
~~for which the person previously served.~~ The trustees shall receive 1427
 no compensation for their services but shall be paid their 1428
 reasonable necessary expenses while engaged in the discharge of 1429
 their official duties. A majority of the board constitutes a 1430
 quorum. 1431

(3) Not later than December 22, 2008, the governor, with the 1432
 advice and consent of the senate, shall appoint the two student 1433
 trustees and successors for the trustees serving under division 1434
 (A)(1) of this section. Except for the student trustees, who shall 1435
 serve terms pursuant to division (B) of this section, the initial 1436
 terms of office for trustees appointed under division (A)(2) of 1437
 this section shall be as follows: one term ending September 23, 1438
 2009; one term ending September 23, 2010; one term ending 1439
 September 23, 2011; one term ending September 23, 2012; one term 1440
 ending September 23, 2013; one term ending September 23, 2014; one 1441

term ending September 23, 2015; one term ending September 23, 1442
 2016; one term ending September 23, 2017. Thereafter, for trustees 1443
appointed prior to January 1, 2024, terms of office shall be for 1444
 nine years, as provided in division (A)(2) of this section. For 1445
trustees appointed on or after January 1, 2024, terms of office 1446
shall be for six years, as provided in division (A)(2) of this 1447
section. 1448

(B) The student members of the board of trustees of the 1449
 northeast Ohio medical university have no voting power on the 1450
 board. Student members shall not be considered as members of the 1451
 board in determining whether a quorum is present. Student members 1452
 shall not be entitled to attend executive sessions of the board. 1453
 The student members of the board shall be appointed by the 1454
 governor, with the advice and consent of the senate, from a group 1455
 of five candidates selected pursuant to a procedure adopted by the 1456
 university's student governments and approved by the university's 1457
 board of trustees. The initial term of office of one of the 1458
 student members shall commence December 22, 2008, and shall expire 1459
 on June 30, 2009, and the initial term of office of the other 1460
 student member shall commence December 22, 2008, and shall expire 1461
 on June 30, 2010. Thereafter, terms of office of student members 1462
 shall be for two years, each term ending on the same day of the 1463
 same month of the year as the term it succeeds. In the event that 1464
 a student member cannot fulfill a two-year term, a replacement 1465
 shall be selected to fill the unexpired term in the same manner 1466
 used to make the original selection. 1467

Sec. 3352.01. (A) There is hereby created a state university 1468
 to be known as "Wright state university." The government of Wright 1469
 state university is vested in a board of eleven trustees, who 1470
 shall be appointed by the governor, with the advice and consent of 1471

the senate. Two of the trustees shall be students at Wright state 1472
 university, and their selection and terms shall be in accordance 1473
 with division (B) of this section. ~~Except For trustees appointed~~ 1474
~~prior to January 1, 2024, except~~ for the terms of student members, 1475
 terms of office shall be for nine years, commencing on the first 1476
 day of July and ending on the thirtieth day of June. For trustees 1477
appointed on or after January 1, 2024, except for the terms of 1478
student members, terms of office shall be for six years, 1479
commencing on the first day of July and ending on the thirtieth 1480
day of June. Each trustee shall hold office from the date of 1481
 appointment until the end of the term for which the trustee was 1482
 appointed. Any trustee appointed to fill a vacancy occurring prior 1483
 to the expiration of the term for which the trustee's predecessor 1484
 was appointed shall hold office for the remainder of such term. 1485
 Any trustee shall continue in office subsequent to the expiration 1486
 date of the trustee's term until the trustee's successor takes 1487
 office, or until a period of sixty days has elapsed, whichever 1488
 occurs first. ~~No person who has served a full nine year term or~~ 1489
~~more than six years of such a term shall be eligible for~~ 1490
~~reappointment until a period of four years has elapsed since the~~ 1491
~~last day of the term for which the person previously served.~~ The 1492
 trustees shall receive no compensation for their services but 1493
 shall be paid their reasonable necessary expenses while engaged in 1494
 the discharge of their official duties. A majority of the board 1495
 constitutes a quorum. 1496

(B) The student members of the board of trustees of Wright 1497
 state university have no voting power on the board. Student 1498
 members shall not be considered as members of the board in 1499
 determining whether a quorum is present. Student members shall not 1500
 be entitled to attend executive sessions of the board. The student 1501
 members of the board shall be appointed by the governor, with the 1502

advice and consent of the senate, from a group of five candidates 1503
 selected pursuant to a procedure adopted by the university's 1504
 student governments and approved by the university's board of 1505
 trustees. The initial term of office of one of the student members 1506
 shall commence on July 1, 1988, and shall expire on June 30, 1989, 1507
 and the initial term of office of the other student member shall 1508
 commence on July 1, 1988, and shall expire on June 30, 1990. 1509
 Thereafter, terms of office of student members shall be for two 1510
 years, each term ending on the same day of the same month of the 1511
 year as the term it succeeds. In the event that a student member 1512
 cannot fulfill a two-year term, a replacement shall be selected to 1513
 fill the unexpired term in the same manner used to make the 1514
 original selection." 1515

After line 49633, insert: 1516

"**Sec. 3356.01.** (A) There is hereby created Youngstown state 1517
 university. The government of Youngstown state university is 1518
 vested in a board of eleven trustees, who shall be appointed by 1519
 the governor, with the advice and consent of the senate. Two of 1520
 the trustees shall be students at Youngstown state university, and 1521
 their selection and terms shall be in accordance with division (B) 1522
 of this section. ~~Except For trustees appointed prior to January 1,~~ 1523
2024, except for the terms of student members, terms of office 1524
 shall be for nine years, commencing on the second day of May and 1525
 ending on the first day of May. For trustees appointed on or after 1526
January 1, 2024, except for the terms of student members, terms of 1527
office shall be for six years, commencing on the second day of May 1528
and ending on the first day of May. Each trustee shall hold office 1529
 from the date of appointment until the end of the term for which 1530
 the trustee was appointed. Any trustee appointed to fill a vacancy 1531
 occurring prior to the expiration of the term for which the 1532

trustee's predecessor was appointed shall hold office for the 1533
remainder of such term. Any trustee shall continue in office 1534
subsequent to the expiration date of the trustee's term until the 1535
trustee's successor takes office, or until a period of sixty days 1536
has elapsed, whichever occurs first. ~~No person who has served a 1537~~
~~full nine year term or more than six years of such a term shall be 1538~~
~~eligible to reappointment until a period of four years has elapsed 1539~~
~~since the last day of the term for which the person previously 1540~~
~~served.~~ The trustees shall receive no compensation for their 1541
services but shall be paid their reasonable necessary expenses 1542
while engaged in the discharge of their duties. A majority of the 1543
board constitutes a quorum. 1544

(B) The student members of the board of trustees of 1545
Youngstown state university have no voting power on the board. 1546
Student members shall not be considered as members of the board in 1547
determining whether a quorum is present. Student members shall not 1548
be entitled to attend executive sessions of the board. The student 1549
members of the board shall be appointed by the governor, with the 1550
advice and consent of the senate, from a group of five candidates 1551
selected pursuant to a procedure adopted by the university's 1552
student governments and approved by the university's board of 1553
trustees. The initial term of office of one of the student members 1554
shall commence on May 2, 1988₁ and shall expire on May 1, 1989, 1555
and the initial term of office of the other student member shall 1556
commence on May 2, 1988₁ and expire on May 1, 1990. Thereafter, 1557
terms of office of student members shall be for two years, each 1558
term ending on the same day of the same month of the year as the 1559
term it succeeds. In the event that a student member cannot 1560
fulfill a two-year term, a replacement shall be selected to fill 1561
the unexpired term in the same manner used to make the original 1562
selection." 1563

After line 49660, insert: 1564

"**Sec. 3359.01.** (A) There is hereby created a state university 1565
to be known as "The University of Akron." The government of the 1566
university of Akron is vested in a board of eleven trustees who 1567
shall be appointed by the governor, with the advice and consent of 1568
the senate. Two of the trustees shall be students at the 1569
university of Akron, and their selection and terms shall be in 1570
accordance with division (B) of this section. ~~Except For trustees~~ 1571
appointed prior to January 1, 2024, except for the terms of 1572
student members, terms of office shall be for nine years, 1573
commencing on the second day of July and ending on the first day 1574
of July. For trustees appointed on or after January 1, 2024, 1575
except for the terms of student members, terms of office shall be 1576
for six years. Each trustee shall hold office from the date of 1577
appointment until the end of the term for which the trustee was 1578
appointed. Any trustee appointed to fill a vacancy occurring prior 1579
to the expiration of the term for which the trustee's predecessor 1580
was appointed shall hold office for the remainder of such term. 1581
Any trustee shall continue in office subsequent to the expiration 1582
date of the trustee's term until the trustee's successor takes 1583
office, or until a period of sixty days has elapsed, whichever 1584
occurs first. ~~No person who has served a full nine year term or~~ 1585
~~more than six years of such a term shall be eligible for~~ 1586
~~reappointment until a period of four years has elapsed since the~~ 1587
~~last day of the term for which the person previously served.~~ The 1588
trustees shall receive no compensation for their services but 1589
shall be paid their reasonable necessary expenses while engaged in 1590
the discharge of their official duties. A majority of the board 1591
constitutes a quorum. 1592

(B) The student members of the board of trustees of the 1593

1594 university of Akron have no voting power on the board. Student
1595 members shall not be considered as members of the board in
1596 determining whether a quorum is present. Student members shall not
1597 be entitled to attend executive sessions of the board. The student
1598 members of the board shall be appointed by the governor, with the
1599 advice and consent of the senate, from a group of five candidates
1600 selected pursuant to a procedure adopted by the university's
1601 student governments and approved by the university's board of
1602 trustees. The initial term of office of one of the student members
1603 shall commence on July 2, 1988, and shall expire on July 1, 1989,
1604 and the initial term of office of the other student member shall
1605 commence on July 2, 1988, and expire on July 1, 1990. Thereafter,
1606 terms of office of student members shall be for two years, each
1607 term ending on the same day of the same month of the year as the
1608 term it succeeds. In the event that a student member cannot
1609 fulfill a two-year term, a replacement shall be selected to fill
1610 the unexpired term in the same manner used to make the original
1611 selection.

1612 **Sec. 3361.01.** (A) There is hereby created a state university
1613 to be known as the "university of Cincinnati." The government of
1614 the university of Cincinnati is vested in a board of eleven
1615 trustees who shall be appointed by the governor with the advice
1616 and consent of the senate. Two of the trustees shall be students
1617 at the university of Cincinnati, and their selection and terms
1618 shall be in accordance with division (B) of this section. The
1619 terms of the first nine members of the board of trustees shall
1620 commence upon the effective date of the transfer of assets of the
1621 state-affiliated university of Cincinnati to the university of
1622 Cincinnati hereby created. One of such trustees shall be appointed
1623 for a term ending on the first day of January occurring at least

twelve months after such date of transfer, and each of the other 1624
 trustees shall be appointed for respective terms ending on each 1625
 succeeding first day of January, so that one term will expire on 1626
 each first day of January after expiration of the shortest term. 1627
~~Except~~ For trustees appointed prior to January 1, 2024, except for 1628
 the two student trustees, each successor trustee shall be 1629
 appointed for a term ending on the first day of January, nine 1630
 years from the expiration date of the term the trustee succeeds, 1631
 except that any person appointed to fill a vacancy shall be 1632
 appointed to serve only for the unexpired term. For trustees 1633
appointed on or after January 1, 2024, except for the two student 1634
trustees, each trustee shall be appointed for a term ending on the 1635
first day of January, six years from the expiration date of the 1636
term the trustee succeeds, except that any person appointed to 1637
fill a vacancy shall be appointed to serve only for the unexpired 1638
term. 1639

Any trustee shall continue in office subsequent to the 1640
 expiration date of the trustee's term until the trustee's 1641
 successor takes office, or until a period of sixty days has 1642
 elapsed, whichever occurs first. 1643

~~No person who has served a full nine-year term or longer or 1644
 more than six years of such a term shall be eligible to 1645
 reappointment until a period of four years has elapsed since the 1646
 last day of the term for which the person previously served.~~ 1647

The trustees shall receive no compensation for their services 1648
 but shall be paid their reasonable necessary expenses while 1649
 engaged in the discharge of their official duties. A majority of 1650
 the board constitutes a quorum. 1651

(B) The student members of the board of trustees of the 1652
 university of Cincinnati have no voting power on the board. 1653

Student members shall not be considered as members of the board in
determining whether a quorum is present. Student members shall not
be entitled to attend executive sessions of the board. The student
members of the board shall be appointed by the governor, with the
advice and consent of the senate, from a group of five candidates
selected pursuant to a procedure adopted by the university's
student governments and approved by the university's board of
trustees. The initial term of office of one of the student members
shall commence on May 14, 1988, and shall expire on May 13, 1989,
and the initial term of office of the other student member shall
commence on May 14, 1988, and expire on May 13, 1990. Thereafter,
terms of office of student members shall be for two years, each
term ending on the same day of the same month of the year as the
term it succeeds. In the event that a student cannot fulfill a
two-year term, a replacement shall be selected to fill the
unexpired term in the same manner used to make the original
selection.

Sec. 3362.01. (A) There is hereby created a state university
to be known as "Shawnee state university." The government of
Shawnee state university is vested in a board of eleven trustees
who shall be appointed by the governor with the advice and consent
of the senate. Two of the trustees shall be students at Shawnee
state university, and their selection and terms shall be in
accordance with division (B) of this section. The remaining
trustees shall be appointed as follows: one for a term of one
year, one for a term of two years, one for a term of three years,
one for a term of four years, one for a term of five years, one
for a term of six years, one for a term of seven years, one for a
term of eight years, and one for a term of nine years. Thereafter,
for trustees appointed prior to January 1, 2024, terms shall be

for nine years. For trustees appointed on or after January 1, 2024, terms shall be for six years. All terms of office shall commence on the first day of July and end on the thirtieth day of June.

Each trustee shall hold office from the date of appointment until the end of the term for which the trustee was appointed. Any trustee appointed to fill a vacancy occurring prior to the expiration of the term for which the trustee's predecessor was appointed shall hold office for the remainder of such term. Any trustee shall continue in office subsequent to the expiration date of the trustee's term until the trustee's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. ~~No person who has served a full nine-year term or more than six years of such a term shall be eligible for reappointment until a period of four years has elapsed since the last day of the term for which the person previously served.~~

The trustees shall receive no compensation for their services but shall be paid their reasonable and necessary expenses while engaged in the discharge of their official duties.

A majority of the board constitutes a quorum.

(B) The student members of the board of trustees of Shawnee state university have no voting power on the board. Student members shall not be considered as members of the board in determining whether a quorum is present. Student members shall not be entitled to attend executive sessions of the board. The student members of the board shall be appointed by the governor, with the advice and consent of the senate, from a group of five candidates selected pursuant to a procedure adopted by the university's student governments and approved by the university's board of trustees. The initial term of office of one of the student members

shall commence on July 1, 1988, and shall expire on June 30, 1989, 1714
 and the initial term of office of the other student member shall 1715
 commence on July 1, 1988, and expire on June 30, 1990. Thereafter, 1716
 terms of office of student members shall be for two years, each 1717
 term ending on the same day of the same month of the year as the 1718
 term it succeeds. In the event a student member cannot fulfill a 1719
 two-year term, a replacement shall be selected to fill the 1720
 unexpired term in the same manner used to make the original 1721
 selection. 1722

Sec. 3364.01. (A) The university of Toledo, as authorized 1723
 under former Chapter 3360. of the Revised Code, and the medical 1724
 university of Ohio at Toledo, as authorized under former sections 1725
 3350.01 to 3350.05 of the Revised Code, shall be combined as one 1726
 state university to be known as the "university of Toledo." 1727

(B)(1) The government of the combined university of Toledo is 1728
 vested in a board of trustees which, except as prescribed in 1729
 division (B)(2) of this section, shall be appointed by the 1730
 governor with the advice and consent of the senate. The initial 1731
 board of trustees of the combined university shall be as 1732
 prescribed in division (B)(2) of this section. After the 1733
 abolishment of offices as prescribed in division (B)(2)(a) of this 1734
 section, the board of trustees of the combined university shall 1735
 consist of nine voting members, who, if appointed prior to January 1736
1, 2024, shall serve for terms of nine years, or, if appointed on 1737
or after January 1, 2024, shall serve for terms of six years, and 1738
 two nonvoting members, who shall be students of the combined 1739
 university and who shall serve for terms of two years. Terms of 1740
 office of trustees shall begin on the second day of July and end 1741
 on the first day of July. 1742

(2) The initial board of trustees of the combined university 1743

shall consist of seventeen voting members who are the eight
members who made up the board of trustees of the medical
university of Ohio at Toledo prior to May 1, 2006, under former
section 3350.01 of the Revised Code, and whose terms would expire
under that section after May 1, 2006; the eight voting members who
made up the board of trustees of the university of Toledo, under
former section 3360.01 of the Revised Code, and whose terms would
expire under that section after July 1, 2006; and one additional
member appointed by the governor with the advice and consent of
the senate. The terms of office, abolishment of office, and
succession of the voting members of the initial board shall be as
prescribed in division (B)(2)(a) of this section. The initial
board also shall consist of two nonvoting members who are students
of the combined university, as prescribed in division (B)(2)(b) of
this section.

(a) The term of office of the voting member of the initial
board of trustees of the combined university who was not formerly
a member of either the board of trustees of the medical university
of Ohio at Toledo or the board of trustees of the university of
Toledo shall be for nine years, beginning on July 2, 2006, and
ending on July 1, 2015.

The terms of office of the sixteen other voting members of
the initial board of trustees shall expire on July 1 of the year
they otherwise would expire under former section 3350.01 or
3360.01 of the Revised Code.

The office of one voting member whose term expires on July 1,
2007, shall be abolished on that date. The governor, with the
advice and consent of the senate, shall appoint a successor to the
office of the other voting member whose term expires on that date
to a nine-year term beginning on July 2, 2007.

The office of one voting member whose term expires on July 1, 1774
2008, shall be abolished on that date. The governor, with the 1775
advice and consent of the senate, shall appoint a successor to the 1776
office of the other voting member whose term expires on that date 1777
to a nine-year term beginning on July 2, 2008. 1778

The office of one voting member whose term expires on July 1, 1779
2009, shall be abolished on that date. The governor, with the 1780
advice and consent of the senate, shall appoint a successor to the 1781
office of the other voting member whose term expires on that date 1782
to a nine-year term beginning on July 2, 2009. 1783

The office of one voting member whose term expires on July 1, 1784
2010, shall be abolished on that date. The governor, with the 1785
advice and consent of the senate, shall appoint a successor to the 1786
office of the other voting member whose term expires on that date 1787
to a nine-year term beginning on July 2, 2010. 1788

The office of one voting member whose term expires on July 1, 1789
2011, shall be abolished on that date. The governor, with the 1790
advice and consent of the senate, shall appoint a successor to the 1791
office of the other voting member whose term expires on that date 1792
to a nine-year term beginning on July 2, 2011. 1793

The office of one voting member whose term expires on July 1, 1794
2012, shall be abolished on that date. The governor, with the 1795
advice and consent of the senate, shall appoint a successor to the 1796
office of the other voting member whose term expires on that date 1797
to a nine-year term beginning on July 2, 2012. 1798

The office of one voting member whose term expires on July 1, 1799
2013, shall be abolished on that date. The governor, with the 1800
advice and consent of the senate, shall appoint a successor to the 1801
office of the other voting member whose term expires on that date 1802
to a nine-year term beginning on July 2, 2013. 1803

The office of one voting member whose term expires on July 1, 2014, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine-year term beginning on July 2, 2014.

The governor, with the advice and consent of the senate, shall appoint a successor to the office of the voting member whose term expires on July 1, 2015, to a nine-year term beginning on July 2, 2015.

Thereafter the terms of office of all subsequent voting members of the board of trustees who are appointed prior to January 1, 2024, shall be for nine years beginning on the second day of July and ending on the first day of July. The terms of office for voting members of the board of trustees who are appointed on or after January 1, 2024, shall be for six years beginning on the second day of July and ending on the first day of July.

(b) One of the student members of the initial board of trustees shall be the student member of the former university of Toledo board of trustees, appointed under former section 3360.01 of the Revised Code, whose term would expire under that section on July 1, 2007. The term of that student member shall expire on July 1, 2007. The other student member shall be a new appointee, representing the portion of the combined university that made up the former medical university of Ohio at Toledo, appointed to a two-year term beginning on July 2, 2006, and ending on July 1, 2008. That student trustee shall be appointed by the governor, with the advice and consent of the senate, from a group of three candidates selected pursuant to a procedure adopted by the university's student governments and approved by the university's

board of trustees. Thereafter appointment and terms of office of
 student members of the board of trustees shall be as prescribed by
 division (B)(3) of this section.

(3) The student members of the board of trustees of the
 combined university shall be appointed by the governor, with the
 advice and consent of the senate, from a group of six candidates
 selected pursuant to a procedure adopted by the university's
 student governments and approved by the university's board of
 trustees. Terms of office of student members shall be for two
 years, each term ending on the same day of the same month of the
 year as the term it succeeds. In the event that a student member
 cannot fulfill a two-year term, a replacement shall be selected to
 fill the unexpired term in the same manner used to make the
 original selection.

(4) Each trustee shall hold office from the date of
 appointment until the end of the term for which the trustee was
 appointed. Any trustee appointed to fill a vacancy occurring prior
 to the expiration of the term for which the trustee's predecessor
 was appointed shall hold office for the remainder of such term.
 Any trustee shall continue in office subsequent to the expiration
 date of the trustee's term until the trustee's successor takes
 office, or until a period of sixty days has elapsed, whichever
 occurs first.

~~(5) No person who has served as a voting member of the board
 of trustees for a full nine-year term or more than six years of
 such a term and no person who is a voting member of the initial
 board of trustees as prescribed in division (B)(2)(a) of this
 section is eligible for reappointment to the board until a period
 of four years has elapsed since the last day of the term for which
 the person previously served.~~

~~No person who served as a voting member of the board of trustees of the former university of Toledo, as authorized under former Chapter 3360. of the Revised Code, for a full nine year term or more than six years of such a term, and no person who served on the board of trustees of the former medical university of Ohio at Toledo, as authorized under former sections 3350.01 to 3350.05 of the Revised Code, for a full nine year term or more than six years of such a term is eligible for appointment to the board of trustees of the combined university until a period of four years has elapsed since the last day of the term for which the person previously served.~~

(C) The trustees shall receive no compensation for their services but shall be paid their reasonable necessary expenses while engaged in the discharge of their official duties. A majority of the board constitutes a quorum. The student members of the board have no voting power on the board. Student members shall not be considered as members of the board in determining whether a quorum is present. Student members shall not be entitled to attend executive sessions of the board."

In line 61726, strike through the comma; strike through "members of a police or fire"

Strike through lines 61727 through 61732

In line 61733, strike through "employees of"

In line 61734, delete "Ohio deaf and blind education services"; strike through the balance of the line

Strike through lines 61735 through 61741

In line 61742, strike through "commissioners and whose members are employed by that board," and insert "prohibited from striking under this division"

After line 61753, insert:	1893
<u>"The following public employees shall not strike:</u>	1894
<u>(a) Members of a police or fire department;</u>	1895
<u>(b) Members of the state highway patrol;</u>	1896
<u>(c) Deputy sheriffs;</u>	1897
<u>(d) Dispatchers employed by a police, fire, or sheriff's</u>	1898
<u>department or the state highway patrol or civilian dispatchers</u>	1899
<u>employed by a public employer other than a police, fire, or</u>	1900
<u>sheriff's department to dispatch police, fire, sheriff's</u>	1901
<u>department, or emergency medical or rescue personnel and units;</u>	1902
<u>(e) Members of an exclusive nurse's unit;</u>	1903
<u>(f) Employees of the state school for the deaf or the state</u>	1904
<u>school for the blind;</u>	1905
<u>(g) Employees of any public employee retirement system;</u>	1906
<u>(h) Corrections officers;</u>	1907
<u>(i) Guards at penal or mental institutions;</u>	1908
<u>(j) Special police officers appointed in accordance with</u>	1909
<u>sections 5119.08 and 5123.13 of the Revised Code;</u>	1910
<u>(k) Psychiatric attendants employed at mental health forensic</u>	1911
<u>facilities;</u>	1912
<u>(l) Youth leaders employed at juvenile correctional</u>	1913
<u>facilities;</u>	1914
<u>(m) Members of a law enforcement security force that is</u>	1915
<u>established and maintained exclusively by a board of county</u>	1916
<u>commissioners and whose members are employed by that board;</u>	1917
<u>(n) Employees of any state institution of higher education."</u>	1918

In line 61861, strike through "members of a police or"	1919
Strike through lines 61862 through 61867	1920
In line 61868, strike through "exclusive nurse's unit, employees of"	1921 1922
In line 61869, delete " <u>Ohio deaf and blind education</u> "	1923
In line 61876, delete " <u>services</u> " and strike through the balance of the line	1924 1925
Strike through lines 61871 through 61877	1926
In line 61878, strike through "are employed by that board" and insert " <u>public employees who are prohibited from striking under division (D)(1) of section 4117.14 of the Revised Code</u> "	1927 1928 1929
After line 108220, insert:	1930
" Sec. 5813.06. (A) Nothing in sections 5813.01 to 5813.05 of the Revised Code affects the construction or interpretation of sections 1715.51 to 1715.59 of the Revised Code relating to the uniform prudent management of institutional funds act. Specifically, neither the percentage set forth in division (B) of section 5813.02 of the Revised Code nor the amount actually requested by a governing board pursuant to that section shall be construed or interpreted to limit or expand what is a prudent amount that can be expended by a governing board of an institution under sections 1715.51 to 1715.59 of the Revised Code.	1931 1932 1933 1934 1935 1936 1937 1938 1939 1940
(B) If an institutional trust fund is also an institutional fund as defined in division (C) <u>(D)</u> of section 1715.51 of the Revised Code with the result that sections 1715.51 to 1715.59 of the Revised Code also are applicable to the institutional trust fund, then sections 1715.51 to 1715.59 of the Revised Code apply to the institutional trust fund, and sections 5813.01 to 5813.07	1941 1942 1943 1944 1945 1946

of the Revised Code do not apply to the institutional trust fund." 1947

In line 108824, delete "3333.045," 1948

In line 108826, after "3333.74," insert "3335.02, 3337.01, 1949
3339.01, 3341.02, 3343.02, 3344.01," 1950

In line 108827, after "3345.38," insert "3345.45,"; after 1951
"3345.69," insert "3350.10, 3352.01,"; after "3353.02," insert 1952
"3356.01, 3359.01, 3361.01, 3362.01, 3364.01," 1953

In line 108904, after "5753.031," insert "5813.06," 1954

In line 108914, after "3333.02," insert "3333.045," 1955

After line 235546, insert: 1956

"**Section 733.____.** The amendment, enactment, repeal, or repeal 1957
and reenactment of sections 1715.551, 3333.045, 3335.02, 3337.01, 1958
3339.01, 3341.02, 3343.02, 3344.01, 3345.029, 3345.0216, 1959
3345.0217, 3345.0218, 3345.382, 3345.45, 3345.451, 3345.452, 1960
3345.453, 3345.454, 3345.455, 3345.591, 3345.80, 3345.87, 3350.10, 1961
3352.01, 3356.01, 3359.01, 3361.01, 3362.01, 3364.01, 4117.14, 1962
4117.15, and 5813.06 of the Revised Code in Section 101.01 of this 1963
act shall be known as The Ohio Higher Education Enhancement Act. 1964

Section 733.____. THREE-YEAR BACHELOR'S DEGREE STUDY 1965

The Department of Higher Education shall conduct a 1966
feasibility study about implementing bachelors degree programs 1967
that require three years to complete in this state. The study 1968
shall investigate a variety of fields of study and determine the 1969
feasibility of reducing specific course requirements, quantity of 1970
electives, and total credit hours required for graduation. 1971
However, the study shall not include the use of College Credit 1972
Plus or any other current programs used to accelerate degree 1973
programs. Finally, the study shall present and evaluate potential 1974

issues related to accreditation. 1975

Not later than one year after the effective date of this 1976
 section, the Department shall submit to the General Assembly, in 1977
 accordance with section 101.68 of the Revised Code, a report about 1978
 the study's findings." 1979

The motion was _____ agreed to.

SYNOPSIS

**Diversity, equity, and inclusion (DEI) and intellectual 1980
 diversity policy 1981**

R.C. 3345.0217 1982

Requires state institutions of higher education to adopt and 1983
 enforce a policy requiring the institution to: 1984

- Prohibit any mandatory programs or training courses 1985
 regarding DEI, except that a state institution may report an 1986
 exemption if such a program or course is required for certain 1987
 specified purposes; 1988
- Affirm and declare a primary function to the pursuit of 1989
 knowledge; 1990
- Affirm and declare that the institution will ensure full 1991
 intellectual diversity; 1992
- Demonstrate intellectual diversity for course approval, 1993
 approval of general education courses, student course evaluations, 1994
 common reading programs, annual reviews, strategic goals for each 1995

department, and student learning outcomes;	1996
- Seek out invited speakers who have diverse ideological and political views;	1997 1998
- Post a complete list of all speaker fees, honoraria, and other emoluments in excess of \$500 that are sponsored by the state institution prominently on its website.	1999 2000 2001
Requires each state institution's policy to affirm and declare that the state institution will not:	2002 2003
- Endorse or oppose, as an institution, any controversial beliefs or policies, specified concepts, or specified ideologies;	2004 2005
- Influence or require students, faculty, or administrators to endorse or express a given ideology, political stance, or view of a social policy;	2006 2007 2008
- Require a student to endorse or express a given ideology, political stance, or view to obtain an undergraduate or post-graduate degree;	2009 2010 2011
- Use political and ideological litmus tests in any hiring, promotion, and admissions decisions, including diversity statements and other requirements that applicants describe commitment to a specified concept, specified ideology, or controversial belief;	2012 2013 2014 2015 2016
- Influence or require students, faculty, or administrators to endorse or express a given ideology or political stance in any hiring, promotion, or admissions process or decision;	2017 2018 2019
- Use a diversity statement or any other assessment of an applicant's political or ideological views in any hiring, promotions, or admissions process or decision;	2020 2021 2022
- Influence or require students, faculty, or administrators	2023

to endorse or express a given ideology or political stance in any	2024
process or decision regulating conditions of work or study.	2025
Requires state institutions to establish a process by which a	2026
student, student group, or faculty member may submit complaints	2027
about alleged violations of the state institution's policy.	2028
Intellectual diversity protections and disciplinary sanctions	2029
R.C. 3345.0218	2030
Requires each state institution to do all of the following:	2031
- Implement a range of disciplinary sanctions for any an	2032
administrator, faculty member, staff, or student who interferes	2033
with the intellectual diversity rights of another;	2034
- Inform all students and employees of their intellectual	2035
diversity protections and any applicable policies adopted by the	2036
state institution to put the protections into practice;	2037
- Issue and post to its website an annual report on any	2038
violations of intellectual diversity rights and resulting	2039
disciplinary sanctions.	2040
Statements of commitment	2041
R.C. 3345.0216	2042
Requires each state institution to incorporate specified	2043
statements declaring commitment to free and open intellectual	2044
inquiry, independence of thought, tolerance of differing	2045
viewpoints, and equality of opportunity into a statement of	2046
commitment.	2047
Policies on equal opportunity	2048
R.C. 3345.87	2049
Requires state institutions to do both of the following with	2050

regard to every position, policy, program, and activity:	2051
- Treat all faculty, staff, and students as individuals, hold	2052
all individuals to equal standards, and provide every individual	2053
with equality of opportunity with regard to those individuals'	2054
race, ethnicity, religion, or sex;	2055
- Provide no advantage or disadvantage to faculty, staff, or	2056
students on the basis of race, ethnicity, religion, or sex in	2057
admissions, hiring, promotion, tenuring, or workplace conditions.	2058
Prohibition on support and training for certain concepts	2059
R.C. 3345.87	2060
Prohibits state institutions from providing or requiring	2061
training for any administrator, teacher, or staff member that	2062
advocates or promotes certain prescribed concepts regarding race	2063
and sex.	2064
Requires state institutions to implement a range of	2065
disciplinary sanctions for any administrator, teacher, staff	2066
member, or employee who authorizes or engages in a training that	2067
violates the above prohibitions.	2068
Requires state institutions to issue and post on their	2069
websites an annual report regarding violations of the above	2070
prohibitions, resulting disciplinary sanctions, and statistics on	2071
the academic qualifications of accepted and matriculating	2072
students, disaggregated by race and sex.	2073
Requires state institutions to establish a process by which a	2074
student, student group, or faculty member may submit complaints	2075
about alleged violations of the state institution's policy.	2076
Segregation prohibition	2077
R.C. 3345.87	2078

Requires state institutions to prohibit all policies designed explicitly to segregate faculty, staff, or students based on those individuals' race, ethnicity, religion, or sex in credit-earning classroom settings, formal orientation ceremonies, and formal graduation ceremonies.	2079 2080 2081 2082 2083
Higher education employee strikes	2084
R.C. 4117.14 and 4117.15	2085
Prohibits state institutions of higher education employees from striking and instead requires them to submit unresolved collective bargaining disputes to a final offer settlement procedure.	2086 2087 2088 2089
Faculty evaluations	2090
R.C. 3345.451, 3345.452, 3345.453, and 3345.454	2091
Requires the Department of Higher Education (DHE) to develop a minimum set of standard questions to be used in student evaluations, including a question about whether a faculty member creates a classroom atmosphere free of bias.	2092 2093 2094 2095
Requires each state institution to establish a written system of faculty evaluations completed by students that uses the questions developed by DHE.	2096 2097 2098
Requires state institutions to establish a written system of peer evaluations for faculty members with a focus on professional development regarding the faculty member's teaching responsibilities.	2099 2100 2101 2102
Requires state institutions to adopt and, every five years, submit to the Chancellor of Higher Education a faculty annual performance evaluation policy.	2103 2104 2105
Requires state institutions to conduct an annual evaluation	2106

for each full-time faculty member directly compensated by the	2107
state institution.	2108
Requires state institutions with tenured faculty to adopt	2109
and, every five years, submit to the Chancellor a post-tenure	2110
review policy.	2111
Requires state institutions with tenured faculty to adopt	2112
and, every five years, submit to the Chancellor policies on tenure	2113
and retrenchment.	2114
Requires these policies to contain an appeals process for	2115
faculty.	2116
Uniform Prudent Management of Institutional Funds Act	2117
R.C. 1715.551	2118
Allows the Attorney General and, in some cases, a donor who	2119
transferred property to a state institution of higher education	2120
under a "qualified endowment agreement," or the benefactor	2121
representative of such a donor, to initiate a civil action when a	2122
state institution of higher education (or a foundation that	2123
administers charitable contributions on its behalf) breaches the	2124
agreement.	2125
Limits the civil action to endowment agreements involving a	2126
gift of at least \$3 million and signed before the provision's	2127
effective date.	2128
Specifies that the civil action applies only to breaches that	2129
occur after the provision's effective date.	2130
Permits the Attorney General and any party to an endowment	2131
agreement, including the recipient state institution of higher	2132
education, to file a complaint to obtain a declaration of rights	2133
and duties under the agreement.	2134

Requires complaints to be filed within six years of	2135
discovering the violation, or within 25 years after the effective	2136
date of the endowment agreement, whichever is sooner.	2137
Five-year institutional cost summaries	2138
R.C. 3345.80	2139
Requires state institutions to submit to the Chancellor a	2140
rolling five-year summary of institutional costs to be considered	2141
by the General Assembly when evaluating operating and capital	2142
project funding for each biennial main operating appropriations	2143
bill and capital appropriations bill.	2144
Requires the Chancellor to submit a report to the General	2145
Assembly including all state institutions' five-year institutional	2146
cost summaries.	2147
Requires that the president of each state institution or the	2148
Chancellor have the opportunity to present in the appropriate	2149
hearings conducted by committees considering higher education	2150
legislation regarding the institutions' five-year summaries.	2151
Requires the Chancellor to, prior to the enactment of each	2152
main operating appropriations and capital appropriations bill,	2153
create and present a report to the General Assembly including the	2154
total institutional costs for state universities and community	2155
colleges separately.	2156
Faculty workload policy	2157
R.C. 3345.45	2158
Requires each state institution to take formal action to	2159
adopt a faculty workload policy consistent with standards adopted	2160
by the Chancellor, review and update its policy on faculty tenure,	2161
require multiple pathways to tenure to receive certain state	2162

funds, and update its faculty workload policy every five years.	2163
Requires each state institution to include in its faculty workload policy a teaching workload expectation based on credit hours, a definition of all faculty workload elements in terms of credit hours including a full-time minimum standard established by the board of trustees, justifiable credit hour equivalents, and any administrative action that the state institution may take if a faculty member fails to comply with the policy's requirements.	2164 2165 2166 2167 2168 2169 2170
American government or history course requirement	2171
R.C. 3345.382	2172
Requires the Chancellor of Higher Education to develop a three credit hour course in the subject of American government or American history with mandatory reading assignments including the United States Constitution, Declaration of Independence, five essays from the Federalist Papers, the Emancipation Proclamation, Gettysburg Address, and Letter from Birmingham Jail by Dr. Martin Luther King, Jr.	2173 2174 2175 2176 2177 2178 2179
Requires state institutions to require all students seeking a bachelor's degree to take the course or receive an exemption, beginning with students who graduate in the spring of the 2028-2029 academic year.	2180 2181 2182 2183
Permits state institutions to offer the course under the College Credit Plus Program.	2184 2185
Syllabus requirements	2186
R.C. 3345.029	2187
Requires each state institution to either post a syllabus for each undergraduate course offered for college credit on its website or ensure that each course instructor posts the syllabus	2188 2189 2190

on a publicly accessible website that has specified information	2191
about the instructor and each syllabus the instructor is teaching.	2192
Permits a community, state community, or technical college,	2193
in lieu of posting a syllabus for a course it offers for college	2194
credit, to post a general syllabus for a course that does not	2195
include any information regarding a course instructor.	2196
Requires each state institution and the Chancellor to prepare	2197
reports regarding state institution compliance with syllabus	2198
posting requirements.	2199
Interactions with the People's Republic of China	2200
R.C. 3345.591	2201
Prohibits state institutions from accepting gifts, donations,	2202
or contributions from the People's Republic of China or any	2203
organization that the institution reasonably suspects is acting on	2204
behalf of the People's Republic of China.	2205
Requires state institutions to submit to the Chancellor a	2206
copy of the foreign gifts report it sends to the United States	2207
Department of Education.	2208
Requires state institutions to notify the Chancellor of any	2209
new or renewed academic partnerships with an academic or research	2210
institution located in China.	2211
Prohibits state institutions from entering into new or	2212
renewed academic partnerships with an academic or research	2213
institution located in China unless the state institution	2214
maintains sufficient structural safeguards to protect the state	2215
institution's intellectual property, the security of Ohio, and	2216
national security interests.	2217
Requires the Auditor of State to audit state institutions'	2218

structural safeguards during the course of a normal audit.	2219
Board of trustees training	2220
R.C. 3333.045	2221
Repeals a requirement that the Chancellor develop voluntary, model training for state institution board of trustee members.	2222 2223
Requires the Chancellor to develop and provide annual training to the board of trustees of each state institution.	2224 2225
Eliminates a requirement that the Chancellor, working with specified stakeholders, develop voluntary, model training for state institution board of trustee members.	2226 2227 2228
Board of trustees terms of office	2229
R.C. 3335.02, 3337.01, 3339.01, 3341.02, 3343.02, 3344.01, 3350.10, 3352.01, 3356.01, 3359.01, 3361.01, 3362.01, and 3364.01.	2230 2231
Changes the term of office to four years for all nonstudent trustees at state universities who are appointed by the Governor on or after January 1, 2024.	2232 2233 2234
Eliminates a prohibition on state university trustees who served at least six years of a term being reappointed as a trustee before four years have elapsed since the end of the trustee's previous term.	2235 2236 2237 2238
Northeast Ohio Medical University principal goals	2239
R.C. 3350.10	2240
Removes language establishing the principal goals of the Northeast Ohio Medical University to work in collaboration with area state universities.	2241 2242 2243
Three-year bachelor's degree study	2244
Section 733.____	2245

Requires the Department of Higher Education to conduct a	2246
study on the feasibility of implementing three-year bachelor's	2247
degree programs in Ohio.	2248
The Ohio Higher Education Enhancement Act title	2249
Section 733.____	2250
Entitles the sections amended or enacted by this amendment as	2251
the "Ohio Higher Education Enhancement Act."	2252

_____ moved to amend as follows:

1 After line 228406, insert:

2 **"Section 333.____.** IN-HOME CARE PROFESSIONALS STUDY
3 COMMITTEE

4 (A) The Department of Medicaid shall establish a study
5 committee to examine the training requirements for professionals
6 providing in-home services to patients who are Medicaid
7 recipients or are recipients of Medicaid waivers administered by
8 the Department of Medicaid or the Department of Aging. The study
9 committee shall review all of the following:

10 (1) The training requirements for all professionals,
11 including home health aides and personal care aides, providing
12 home and community-based services to Medicaid recipients
13 enrolled in the integrated care delivery system established
14 under section 5164.91 of the Revised Code;

15 (2) The training requirements for all professionals
16 providing home and community-based services to participants in
17 the PASSPORT program, including home health aides and personal
18 care aides;

19 (3) The training requirements for any other professionals
20 providing home and community-based services through the
21 Department of Medicaid or the Department of Aging.

22 (B) The committee shall consist of the following members:

23 (1) The Medicaid Director or the Director's designee;

24 (2) The Director of Aging or the Director's designee;

25 (3) Any other industry stakeholders, to be designated and
26 appointed by the Medicaid Director. The industry stakeholders
27 shall not include members of the General Assembly.

28 (C) Not later than April 1, 2024, the Department of
29 Medicaid shall submit a report to the joint medicaid oversight
30 committee. The report shall include both of the following:

31 (1) A summary of the training requirements reviewed
32 pursuant to division (A) of this section, including a breakdown
33 of which training requirements are federal and which are
34 established by Ohio law or rule;

35 (2) Suggestions for how to modify training requirements for
36 professionals providing home and community-based services to
37 increase the in-home care workforce while maintaining high
38 standards of care."

39 The motion was _____ agreed to.

40

SYNOPSIS

41

In-home care professionals study committee

42

Section 333. __

43

44 Requires ODM to establish a study committee to examine the
45 training requirements for professionals providing home and
community-based services to patients through Medicaid and ODA.

46

47 Includes the Medicaid Director, the Director of Aging, and
other stakeholders as members of the study committee.

48

49 Requires the Department of Medicaid to submit a report of
its findings to JMOC by April 1, 2024.

_____ moved to amend as follows:

1 In line 5 of the title, delete "101.112" and insert

2 "109.112"

3 In line 9 of the title, delete "120.06"

4 In line 58 of the title, delete "3107.033, 3107.034,

5 3107.035, 3107.14,"

6 In line 79 of the title, after "3327.02," insert

7 "3327.021,"

8 In line 248 of the title, delete "5103.18, 5103.181,"

9 In line 290 of the title, delete "2151.3535,"

10 In line 297 of the title, delete "3107.018,"

11 In line 314 of the title, delete "5101.143,"

12 In line 336 of the title, delete "5103.33, 5103.34,

13 5103.35, 5103.36,"

14 In line 337 of the title, delete "5103.362, 5103.363,

15 5103.38,"

16 In line 338 of the title, delete "5103.42,"; delete

17 "5103.51,"

18 In line 426 of the title, delete "3302.039,"

19 In line 485 of the title, delete "3317.0218,"

SC2554X1

20 In line 491 of the title, delete "3317.162,"

21 In line 516 of the title, delete "3325.14,"

22 In line 531 of the title, delete "3333.167,"

23 In line 560 of the title, delete "3301.0731" and insert

24 "3301.0732"

25 In line 568 of the title, delete ", and" and insert a

26 semicolon

27 In line 603 of the title, after the comma insert "237.10 as

28 subsequently amended,"

29 In line 632, delete "120.06,"

30 In line 684, after "3327.02," insert "3327.021,"

31 In line 688, delete "3107.033, 3107.034,"

32 In line 689, delete "3107.035, 3107.14,"

33 In line 786, delete "3319.59,"

34 Delete line 3847

35 Delete line 3918

36 Delete lines 4981 through 5288

37 In line 8854, delete "the director" and insert "that"

38 In line 9598, delete "(I)" and insert "(H)"

39 In line 19995, delete "Ohio housing finance agency" and

40 insert "governor's office of housing transformation"

41 In line 20010, delete "agency" and insert "office"

42 In line 20012, delete the first "agency" and insert

43 "office"; delete the second "agency" and insert "office"

SC2554X1

44 In line 20018, delete "agency" and insert "office"

45 Move lines 28120 through 28127 of the bill (R.C. 1501.16)

46 to after line 27823

47 Move lines 31704 through 31754 of the bill (R.C. 2329.261)

48 to after line 31649

49 Delete lines 34493 through 34646

50 In line 37758, after "Notwithstanding" insert "anything to

51 the contrary in"

52 In line 38176, after "agency" insert "or private

53 institution of higher education"

54 In line 38228, delete "language"

55 In line 38428, strike through "or" and insert an underlined

56 comma; after the underlined comma, insert "or"

57 In line 40125, after "3313.6026," insert "3313.6028,"

58 In line 47167, after "3313.6026," insert "3313.6028,"

59 In line 49320, delete "school" and insert "institution"

60 In line 51848, after "~~child~~" strike through the space

61 In line 53954, delete "(A) (2)" and insert "(B)"

62 In line 53955, delete "(A) (1)" and insert "(A)"

63 Delete line 61478

64 In line 83900, delete "and" and insert "an"

65 In line 87329, reinsert "community mental health services

66 provider"

SC2554X1

67 In line 87330, reinsert "applicant or community addiction
68 services provider applicant"

69 In line 98194, reinsert "(C)"

70 In line 99125, delete the underlined period and insert an
71 underlined semicolon

72 In line 104942, strike through "or"

73 In line 104943, strike through "5743.511,"

74 In line 108770, delete "120.06,"

75 In line 108806, delete "3107.033, 3107.034,"

76 In line 108807, delete "3107.035, 3107.14,"

77 In line 108822, after "3327.02," insert "3327.021,"

78 In line 108918, delete "5103.18, 5103.181,"

79 Delete line 108924

80 In line 109129, delete "(C) (1)"; strike through "The";
81 after "~~Board~~" insert "(C) (1) Notwithstanding anything to the
82 contrary in section 3319.226 of the Revised Code, the"

83 In line 113846, delete "2151.3535,"

84 In line 113851, delete "3107.018,"

85 In line 113864, delete "5101.143,"

86 In line 113880, delete "5103.33, 5103.34, 5103.35, 5103.36,
87 5103.362,"

88 In line 113881, delete "5103.363, 5103.38,"; delete
89 "5103.42"

90 In line 113882, delete "5103.51,"

SC2554X1

91 Delete lines 115891 through 115910

92 Delete lines 118582 through 118608

93 Delete lines 121368 through 121415

94 Delete lines 124450 through 124467

95 Delete lines 128444 through 128504

96 Delete lines 128572 through 128598

97 Delete lines 128667 though 128673

98 In line 133927, delete "2151.3535,"

99 In line 133932, delete "3107.018,"

100 In line 133945, delete "5101.143,"

101 In line 133961, delete "5103.33, 5103.34, 5103.35, 5103.36,

102 5103.362,"

103 In line 133962, delete "5103.363, 5103.38,"; delete

104 "5103.42,"

105 In line 133963, delete "5103.51,"

106 In line 158582, delete "3302.039,"

107 In line 158626, delete "3317.0218,"

108 In line 158630, delete "3317.162,"

109 In line 158649, delete "3325.14,"

110 In line 158659, delete "3333.167,"

111 In line 158681, delete "3301.0731" and insert "3301.0732"

112 In line 169337, delete "3301.0731" and insert "3301.0732"

113 In line 169899, delete "3301.0731" and insert "3301.0732"

114 Delete lines 173434 through 173490

SC2554X1

115 Delete lines 196327 through 196355

116 Delete lines 198464 though 198483

117 Delete lines 205419 through 205427

118 Delete lines 208455 through 208513

119 In line 219456, delete "3302.039,"

120 In line 219500, delete "3317.0218,"

121 In line 219504, delete "3317.162,"

122 In line 219523, delete "3325.14,"

123 In line 219533, delete "3333.167,"

124 After line 221206, insert:

125 **"Section 130.108.** The amendment by Section 130.100 of this
126 act of section 3301.521 of the Revised Code does not prevent the
127 repeal of section 3301.521 of the Revised Code, with delayed
128 effective date, by Sections 130.14 and 130.15 of this act."

129 In line 222878, after **"Section 259.20."** insert:

130 "COAL RESEARCH AND DEVELOPMENT PROGRAM

131 The foregoing appropriation item 195402, Coal Research and
132 Development Program, shall be used for the operating expenses of
133 the Community Services Division in support of the Ohio Coal
134 Development Office."

135 In line 223157, delete "1956H3" and insert "1956H2"

136 In line 223162, delete "1956H2" and insert "1956H3"

137 In line 223165, after the comma insert "Welcome Home Ohio
138 Program,"

SC2554X1

139 In line 223169, after the first comma insert "Welcome Home
140 Ohio Program,"

141 In line 223983, delete "State Board of Education" and
142 insert "Department of Education and Workforce"

143 In line 224336, delete "and not more than" and insert "of"

144 In line 224339, after "available" insert "and not more than
145 \$2,500"

146 In line 224706, delete "of" and insert "and"

147 In line 224894, after "2006A4" insert a comma

148 In line 224953, after "2006A4" insert a comma

149 In line 224970, after "2006A4" insert a comma

150 In line 226568, delete "Veshem" and insert "Vashem"

151 In line 227786, after the first comma insert "Medicaid
152 Health Care Services,"

153 Delete lines 229300 through 229307

154 In line 231643, delete "(a)" and insert "(1)"

155 In line 231647, delete "(b)" and insert "(2)"

156 In line 231650, delete "(c)" and insert "(3)"

157 In line 231730, delete "(a)"

158 In line 231731, delete "(i)" and insert "(a)"

159 In line 231733, delete "(ii)" and insert "(b)"

160 In line 231735, delete "(iii)" and insert "(c)"

161 In line 233237, after "Education" insert "and Workforce"

162 In line 233258, after "Education" insert "and Workforce"

SC2554X1

- 163 In line 233309, after "Education" insert "and Workforce"
164 In line 233359, after "Education" insert "and Workforce"
165 Delete line 233876
166 In line 233920, delete "XXXX" and insert "5AX1"
167 In line 234779, delete "and" and insert "and"
168 In line 234780, delete "Workforce" and insert "Workforce"

169 The motion was _____ agreed to.

170 SYNOPSIS

171 **LSC Technical Amendment**

172 **R.C. 120.06, 122.633, 122.852, 175.20, 1501.16, 2329.261,**
173 **3107.033, 3107.034, 3107.035, 3107.14, 3301.0731, 3301.0732,**
174 **3301.132, 3302.039, 3302.0310, 3313.33, 3313.482, 3313.603,**
175 **3314.03, 3319.102, 3319.59, 3326.11, 3327.02, 3345.391,**
176 **3701.022, 3706.051, 5101.547, 5119.36, 5713.03, 5726.98, and**
177 **5743.59; Sections 101.01, 101.02, 259.20, 259.30, 265.70,**
178 **265.190, 265.290, 265.330, 297.10, 333.17, 343.30, 381.630,**
179 **381.635, 423.140, 516.10, and 610.10**

180 Corrects placement and typographical errors of section numbers
181 in the title and Sections 101.01 and 101.02; corrects division
182 numbering; removes erroneous sections in the current version of the
183 bill; corrects inaccurate cross references; corrects notation of
184 Income Tax Reduction Fund (Fund 5AX1); reinserts uncodified law
185 requiring that GRF ALI 195402, Coal Research and Development
186 Program, be used for the operating expenses of the Community
187 Services Division in support of the Ohio Coal Development Office,
188 as the sub bill reinserted an appropriation for this purpose;
189 corrects references to the Department of Education and Workforce;
190 corrects the ALI number for two ALIs (1956H2 and 1956H3); adds two
191 missing ALI name citations, Welcome Home Ohio Program and Medicaid
192 Health Care Services; removes language earmarking amounts from Fund
193 5CV3 appropriation item 7256A3, ARPA - Special Projects
194 (appropriations under ALI 7256A3 were removed in the current
195 version of the bill); corrects references to state agencies
196 modified by the bill and cross reference and tabulation errors;

197 changes incorrect terminology; clarifies that the provision
198 establishing a modified graduation rate measure for online high
199 schools only overrides conflicting portions of the law establishing
200 the state report card, rather than the entirety of that law;
201 clarifies the State Board of Education may issue a one-year
202 temporary substitute teaching license to someone who does not hold
203 a post-secondary degree, notwithstanding a separate provision of
204 law that requires a substitute teacher to hold a post-secondary
205 degree; makes a conforming change to the uncodified law regarding
206 payment in lieu of transportation to reflect codified law changes;
207 removes conforming changes to the State Report Card Review
208 committee related to the establishment of the Department of
209 Education and Workforce (the State Report Card Review Committee is
210 repealed elsewhere in the bill); renumbers a provision prescribing
211 the minimum education standards for nonchartered nonpublic schools
212 (a separate provision in the budget uses the same section number);
213 and corrects other engrossing and typographical errors.

214 **Harmonizing simultaneous actions**

215 **R.C. 2151.3535, 3107.018, 3301.521, 3317.0218, 3317.162,**
216 **3325.14, 3333.167, 5101.143, 5103.18, 5103.181, 5103.33,**
217 **5103.34, 5103.35, 5103.36, 5103.362, 5103.363, 5103.38, 5103.42,**
218 **5103.51**

219 Resolves potential conflicts where one segment of the bill
220 repeals a section of the Revised Code and another segment makes
221 conforming amendments to the same section, by removing the
222 conforming amendments and retaining the repeals. In one instance
223 where the repeal is delayed until January 1, 2025, retains both
224 the amendment and the repeal and specifies that the amendment
225 does not prevent the section's future repeal.

226 Corrects an oversight in engrossing the Senate substitute
227 bill by removing the Executive and House versions' repeal of
228 R.C. 5103.18 and 5103.181. The Senate substitute bill added
229 substantive amendments to those sections.

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 164 of the title, after "5163.06," insert "5164.02," 1

In line 746, after "5163.06," insert "5164.02," 2

After line 90530, insert: 3

"**Sec. 5164.02.** (A) The medicaid director shall adopt rules as 4
necessary to implement this chapter. The rules shall be adopted in 5
accordance with Chapter 119. of the Revised Code. 6

(B) The rules shall establish all of the following: 7

(1) The amount, duration, and scope of the medicaid services 8
covered by the medicaid program; 9

(2) The medicaid payment rate for each medicaid service or, 10
in lieu of the rate, the method by which the rate is to be 11
determined for each medicaid service; 12

(3) Procedures for enforcing the rules adopted under this 13
section that provide due process protections, including procedures 14
for corrective action plans for, and imposing financial and 15
administrative sanctions on, persons and government entities that 16
violate the rules. 17

(C) The rules may be different for different medicaid 18
services. 19

(D) The medicaid director is not required to adopt a rule 20
 establishing the medicaid payment rate for a medicaid service if 21
 the director adopts a rule establishing the method by which the 22
 rate is to be determined for the medicaid service and makes the 23
 rate available on the internet web site maintained by the 24
 department of medicaid. 25

(E) The medicaid director shall not adopt a rule that permits 26
a family member that resides with a minor child who is eligible to 27
receive services covered by the medicaid program that are 28
administered by a county board of developmental disabilities to 29
receive medicaid payment for providing these services to the 30
child." 31

In line 108884, after "5163.06," insert "5164.02," 32

The motion was _____ agreed to.

SYNOPSIS

Family member serving as Medicaid service provider 33

R.C. 5164.02 34

Prohibits the ODM Director from adopting rules that permit a 35
 family member in the same household from receiving Medicaid 36
 payment for providing services to a minor child that are 37
 administered by a county board of developmental disabilities. 38

Sub. H.B. 33
L-135-0001-5
DOHCD43

_____ moved to amend as follows:

In line 222 of the title, after "3503.153," insert "3701.25,
3701.251, 3701.252, 3701.253, 3701.254, 3701.255,"

In line 789, after "3503.153," insert "3701.25, 3701.251,
3701.252, 3701.253, 3701.254, 3701.255,"

After line 52390, insert:

"Sec. 3701.25. (A) As used in sections 3701.25 to 3701.255 of
the Revised Code:

(1) "Certified nurse practitioner" and "clinical nurse
specialist" have the same meanings as in section 4723.01 of the
Revised Code.

(2) "Hospital" has the same meaning as in section 3722.01 of
the Revised Code.

(3) "Parkinson's disease" means a chronic and progressive
neurological disorder resulting from a deficiency of the
neurotransmitter dopamine as the consequence of specific
degenerative changes in the area of the brain called the basal
ganglia. It is characterized by tremor at rest, slow movements,
muscle rigidity, stooped posture, and unsteady or shuffling gait.

(4) "Parkinsonisms" means conditions related to Parkinson's disease that cause a combination of the movement abnormalities seen in Parkinson's disease, such as tremor at rest, slow movement, muscle rigidity, impaired speech, or muscle stiffness, which often overlap with and can evolve from what appears to be Parkinson's disease. Examples of Parkinsonisms include:

(a) Multiple system atrophy;

(b) Dementia with Lewy bodies;

(c) Corticobasal degeneration;

(d) Progressive supranuclear palsy.

(5) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(6) "Physician assistant" means an individual authorized under Chapter 4730. of the Revised Code to practice as a physician assistant.

(B) Within one year of the effective date of this section, the director of health shall establish and maintain a Parkinson's disease registry for the collection and monitoring of the incidence of Parkinson's disease in Ohio.

(C) The director shall supervise the registry and the collection and dissemination of data included in the registry. The director may enter into contracts, grants, or other agreements as necessary to maintain the registry, including data sharing contracts with data reporting entities and their associated electronic medical record systems vendors. The director shall include the data collected by the registry in the Ohio public health information warehouse.

(D) Within thirty days of the establishment of the registry and at least quarterly thereafter, each individual case of Parkinson's disease or a Parkinsonism shall be reported to the registry in a format specified by the director by one of the following: 47
48
49
50
51

(1) The certified nurse practitioner, clinical nurse specialist, physician, or physician assistant who diagnosed or treated the individual's Parkinson's disease or Parkinsonism; 52
53
54

(2) The group practice, hospital, or other health care facility that employs or contracts with the medical professional described in division (D)(1) of this section. 55
56
57

(E) Each medical professional or health care facility specified in division (D) of this section shall inform patients diagnosed with Parkinson's disease or a Parkinsonism at the time of diagnosis or treatment of the Parkinson's disease registry and of the patient's right not to participate. If a patient chooses not to participate in the registry, the medical professional or health care facility shall report to the registry only the existence of the Parkinson's disease or Parkinsonism case and no other information. 58
59
60
61
62
63
64
65
66

(F) The director or a representative of a director may inspect upon reasonable notice a representative sample of the medical records of patients with Parkinson's disease diagnosed, treated, or admitted at a group practice, hospital, or other health care facility. 67
68
69
70
71

(G) Each medical professional or health care facility specified in division (D) of this section who in good faith submits a Parkinson's disease report to the registry is not liable in any cause of action arising from the submission of the report. 72
73
74
75

(H) Nothing in sections 3701.25 to 3701.255 of the Revised Code shall be deemed to compel any individual to submit to any medical examination or supervision by the department of health, any of its authorized representatives, or an approved researcher. No individual who seeks information from or obtains registry data pursuant to section 3701.251 of the Revised Code shall contact a patient in the registry or a patient's family unless the director has first obtained the permission of the patient or the patient's family. The director shall coordinate its activities with the individual requesting such contact and may authorize the individual to perform these contacts under the direction of the director. 76
77
78
79
80
81
82
83
84
85
86
87

(I) Facilities or individuals providing diagnostic or treatment services to patients with Parkinson's disease may maintain separate facility-based Parkinson's disease registries. 88
89
90

(J) Within thirty days of the effective date of this section, the director shall publish the reporting requirements established by this section on the department of health's internet web site. The director also may notify professional associations representing health care providers and hospitals of the reporting requirements. 91
92
93
94
95
96

Sec. 3701.251. (A) Except as otherwise provided in this section, all data collected by the Parkinson's disease registry is confidential. Notwithstanding any other law to the contrary, any disclosure of confidential data authorized by this section shall include only the data necessary for the stated purpose of the requested disclosure, shall be used only for the approved purpose, and shall not be further disclosed. 97
98
99
100
101
102
103

(B) The director of health may enter into agreements to 104

furnish data collected in the Parkinson's disease registry to 105
other states' Parkinson's disease registries, federal Parkinson's 106
disease control agencies, local health officers, and local health 107
researchers. Before confidential data is disclosed to an 108
out-of-state registry, federal agency, health officer, or 109
researcher, the requesting entity shall agree in writing to 110
maintain the confidentiality of that information. Researchers also 111
shall do the following: 112

(1) Obtain approval of their institutional review board in 113
accordance with federal requirements for the protection of human 114
subjects established in 45 C.F.R. 46, and, as applicable, 21 115
C.F.R. 56, the HIPAA privacy rule as defined in section 3798.01 of 116
the Revised Code, and other relevant federal regulations, state 117
laws, and policies of the institution where the research will be 118
conducted; 119

(2) Provide documentation to the director that demonstrates 120
to the director's satisfaction that the researcher has established 121
the procedures and ability to maintain the confidentiality of the 122
information. 123

(C) The director shall maintain an accurate record of all 124
individuals who are given access to confidential data. The record 125
shall include the following: 126

(1) Name of the department of health employee authorizing 127
access; 128

(2) Name, title, address, and organizational affiliation of 129
the individual given access; 130

(3) Dates of access; 131

(4) Specific purpose for which the data will be used. 132

Records of access shall be open to public inspection during 133

the normal operating hours of the department. 134

(D) Notwithstanding any other law to the contrary, 135
confidential data shall not be disclosed, discoverable, or 136
compelled to be produced in any civil, criminal, administrative, 137
or other proceeding. Confidential data shall not be deemed 138
admissible as evidence in any civil, criminal, administrative, or 139
other tribunal or court for any reason. 140

(E) This section does not prohibit the publication of reports 141
and aggregate statistical data by the director that do not 142
identify individual cases or individual sources of data. 143

(F) The patient or the patient's guardian to whom the 144
information pertains shall have access to the patient's own data. 145

Sec. 3701.252. (A) There is hereby created the Parkinson's 146
disease registry advisory committee. The committee shall consist 147
of the director of health and the following members appointed by 148
the director: 149

(1) A neurologist; 150

(2) A movement disorder specialist; 151

(3) A primary care provider; 152

(4) A physician informaticist; 153

(5) A public health professional; 154

(6) A population health researcher familiar with disease 155
registries; 156

(7) A Parkinson's disease researcher; 157

(8) A patient living with Parkinson's disease; 158

(9) Any other members the director deems necessary. 159

<u>(B) The committee shall do all of the following:</u>	160
<u>(1) Assist the director of health in the development and implementation of the Parkinson's disease registry;</u>	161
<u>(2) Determine what data shall be collected based on the following four core categories of data:</u>	162
<u>(a) Patient demographics;</u>	163
<u>(b) Geography;</u>	164
<u>(c) Diagnosis;</u>	165
<u>(d) Information that enables de-duplication of patient records in the registry.</u>	166
<u>(3) Determine the information to be included on the department of health's Ohio Parkinson's research registry internet web site established pursuant to section 3701.254 of the Revised Code;</u>	167
<u>(4) Advise the director on maintaining and improving the registry;</u>	171
<u>(5) Conduct a review of the registry within five years of the effective date of this section, including how it is being used and whether it is fulfilling its intended purpose, and recommend any necessary changes to update the registry.</u>	172
<u>(C) The director shall serve as the chairperson of the committee.</u>	173
<u>(D) Each member shall serve without compensation except to the extent that serving on the committee is considered part of the member's regular duties of employment.</u>	174
<u>(E) The committee shall meet at the call of the chairperson but not less than twice annually. The committee's first meeting</u>	175
	176
	177
	178
	179
	180
	181
	182
	183
	184
	185
	186

shall occur within ninety days of the effective date of this 187
section. Meetings may take place in-person or virtually at the 188
discretion of the chairperson. 189

(F) The department of health shall provide meeting space and 190
other administrative support for the committee. 191

Sec. 3701.253. Within six months of the establishment of the 192
Parkinson's disease registry, and annually thereafter, the 193
director of health shall submit a report to the general assembly 194
in accordance with section 101.68 of the Revised Code summarizing 195
the following: 196

(A) The incidence and rates of Parkinson's disease in Ohio by 197
county; 198

(B) The number of new cases reported to the Parkinson's 199
disease registry in the previous year; 200

(C) Demographic information including age, gender, and race. 201

Sec. 3701.254. (A) Within one year of the effective date of 202
this section, the director of health shall create and maintain the 203
Ohio Parkinson's research registry internet web site. 204

(B) The web site shall describe the registry and provide any 205
relevant or helpful information as determined by the Parkinson's 206
disease registry advisory committee pursuant to section 3701.252 207
of the Revised Code. 208

(C) The director shall publish the annual report described in 209
section 3701.253 of the Revised Code on the web site. 210

Sec. 3701.255. (A) The director of health shall adopt rules 211
in accordance with Chapter 119. of the Revised Code to do all of 212
the following regarding the Parkinson's disease registry: 213

(1) Specify the data to be collected and the format in which it is to be submitted to the registry, in collaboration with the Parkinson's disease registry advisory committee established pursuant to section 3701.252 of the Revised Code; 214
 215
 216
 217

(2) Develop guidelines and procedures for requesting access to data, reviewing data access requests, and approving data access requests; 218
 219
 220

(3) Create a coding system to remove individually identifying information from the data collected in the registry. 221
 222

(B) The director shall periodically review and revise data collection requirements to adapt to new knowledge and technology regarding Parkinson's disease and health data collection." 223
 224
 225

The motion was _____ agreed to.

SYNOPSIS

Parkinson's disease registry 226

R.C. 3701.25, 3701.251, 3701.252, 3701.253, 3701.254, and 3701.255 227
 228

Restores House-added provisions removed by the Senate substitute bill that do all of the following: 229
 230

Require the Director of Health to establish and maintain a Parkinson's Disease Registry. 231
 232

Require cases of Parkinson's disease and Parkinsonisms to be reported to the Registry by health care professionals and facilities. 233
 234
 235

Create the Parkinson's Disease Registry Advisory Committee to 236

assist with the development and maintenance of the Registry.	237
Require the Director to submit an annual report to the	238
General Assembly regarding the prevalence of Parkinson's disease	239
in Ohio by county.	240
Require the Director to create the Ohio Parkinson's Disease	241
Research Registry website to provide information regarding	242
Parkinson's disease and the Registry.	243

Sub. H.B. 33
L-135-0001-5
DOHCD40

_____ moved to amend as follows:

In line 90 of the title, after "3701.242" insert "3701.501" 1

In line 692, after "3701.242" insert "3701.501" 2

After line 52390, insert: 3

"**Sec. 3701.501.** (A)(1) Except as provided in division (A)(2) 4
of this section, all newborn children shall be screened for the 5
presence of the genetic, endocrine, and metabolic disorders 6
specified in rules adopted pursuant to this section. 7

(2) Division (A)(1) of this section does not apply in any of 8
the following circumstances: 9

(a) If the parents of the child object to the screening on 10
the grounds that it conflicts with their religious tenets and 11
practices; 12

(b) With respect to the screening for Krabbe disease 13
described in division (C)(1)(b) of this section, if the parents of 14
the child communicate their decision to forgo the screening; 15

(c) If appropriate laboratory equipment is not available. 16

(B) There is hereby created the newborn screening advisory 17
council to advise the director of health regarding the screening 18

of newborn children for genetic, endocrine, and metabolic disorders. The council shall engage in an ongoing review of the newborn screening requirements established under this section and shall provide recommendations and reports to the director as the director requests and as the council considers necessary. The director may assign other duties to the council, as the director considers appropriate.

The council shall consist of fourteen members appointed by the director. In making appointments, the director shall select individuals and representatives of entities with interest and expertise in newborn screening, including such individuals and entities as health care professionals, hospitals, children's hospitals, regional genetic centers, regional sickle cell centers, newborn screening coordinators, and members of the public.

The department of health shall provide meeting space, staff services, and other technical assistance required by the council in carrying out its duties. Members of the council shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in attending meetings of the council or performing assignments for the council.

The council is not subject to sections 101.82 to 101.87 of the Revised Code.

(C)(1)(a) Subject to division (C)(1)(b) of this section, the director of health shall adopt rules in accordance with Chapter 119. of the Revised Code specifying the disorders for which each newborn child must be screened.

(b) In adopting the rules, all of the following apply:

(i) The director shall specify Krabbe disease as a disorder for which a newborn child who is born on or after July 1, 2016,

must be screened. 48

(ii) The director shall specify spinal muscular atrophy and 49
X-linked adrenoleukodystrophy as disorders for which a newborn 50
child who is born on or after ~~the date that is two hundred forty~~ 51
~~days after the effective date of this amendment~~ May 28, 2022, must 52
be screened. 53

(iii) The director shall specify Duchenne muscular dystrophy 54
as a disorder for which a newborn child who is born on or after 55
the date that is two hundred forty days after the effective date 56
of this amendment must be screened. 57

(iv) Not later than six months after receiving a 58
recommendation as described in division (C)(3)(b) of this section, 59
the director shall specify for screening a disorder recommended as 60
described in division (C)(3)(b) of this section, with such 61
screening to begin not later than one year after the date that the 62
rule specifying the disorder for screening becomes effective. 63

(2) The newborn screening advisory council shall evaluate 64
genetic, metabolic, and endocrine disorders to assist the director 65
in determining which disorders should be included in the 66
screenings required under this section. In determining whether a 67
disorder should be included, the council shall consider all of the 68
following: 69

(a) The disorder's incidence, mortality, and morbidity; 70

(b) Whether the disorder causes disability if diagnosis, 71
treatment, and early intervention are delayed; 72

(c) The potential for successful treatment of the disorder; 73

(d) The expected benefits to children and society in relation 74
to the risks and costs associated with screening for the disorder; 75

(e) Whether a screening for the disorder can be conducted	76
without taking an additional blood sample or specimen;	77
(f) Whether the secretary of the United States department of	78
health and human services has included the disorder in the federal	79
recommended uniform screening panel.	80
(3)(a) Based on the considerations specified in division	81
(C)(2) of this section, the council shall make recommendations to	82
the director of health for the adoption of rules under division	83
(C)(1) of this section.	84
(b) In the case of a disorder included within the federal	85
recommended uniform screening panel, the council shall determine	86
not later than six months after the date of the disorder's	87
inclusion on the federal panel whether or not to recommend to the	88
director that each newborn child be screened for the disorder. If	89
the council recommends screening for the disorder, the council	90
shall submit to the director as soon as practicable a	91
recommendation for such screening.	92
(c) The director shall promptly and thoroughly review each	93
recommendation the council submits.	94
(D) The director shall adopt rules in accordance with Chapter	95
119. of the Revised Code establishing standards and procedures for	96
the screenings required by this section. The rules shall include	97
standards and procedures for all of the following:	98
(1) Causing rescreenings to be performed when initial	99
screenings have abnormal results;	100
(2) Designating the person or persons who will be responsible	101
for causing screenings and rescreenings to be performed;	102
(3) Giving to the parents of a child notice of the required	103
initial screening and the possibility that rescreenings may be	104

necessary;	105
(4) Communicating to the parents of a child the results of the child's screening and any rescreenings that are performed;	106 107
(5) Giving notice of the results of an initial screening and any rescreenings to the person who caused the child to be screened or rescreened, or to another person or government entity when the person who caused the child to be screened or rescreened cannot be contacted;	108 109 110 111 112
(6) Referring children who receive abnormal screening or rescreening results to providers of follow-up services, including the services made available through funds disbursed under division (F) of this section.	113 114 115 116
(E)(1) Except as provided in divisions (E)(2) and (3) of this section, all newborn screenings required by this section shall be performed by the public health laboratory authorized under section 3701.22 of the Revised Code.	117 118 119 120
(2) If the director determines that the public health laboratory is unable to perform screenings for all of the disorders specified in the rules adopted under division (C) of this section, the director shall select another laboratory to perform the screenings. The director shall select the laboratory by issuing a request for proposals. The director may accept proposals submitted by laboratories located outside this state. At the conclusion of the selection process, the director shall enter into a written contract with the selected laboratory. If the director determines that the laboratory is not complying with the terms of the contract, the director shall immediately terminate the contract and another laboratory shall be selected and contracted with in the same manner.	121 122 123 124 125 126 127 128 129 130 131 132 133

(3) Any rescreening caused to be performed pursuant to this section may be performed by the public health laboratory or one or more other laboratories designated by the director. Any laboratory the director considers qualified to perform rescreenings may be designated, including a laboratory located outside this state. If more than one laboratory is designated, the person responsible for causing a rescreening to be performed is also responsible for selecting the laboratory to be used.

(F)(1) The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing a fee that shall be charged and collected in addition to or in conjunction with any laboratory fee that is charged and collected for performing the screenings required by this section. The fee, which shall be not less than fourteen dollars, shall be disbursed as follows:

(a) Not less than ten dollars and twenty-five cents shall be deposited in the state treasury to the credit of the genetics services fund, which is hereby created. Not less than seven dollars and twenty-five cents of each fee credited to the genetics services fund shall be used to defray the costs of the programs authorized by section 3701.502 of the Revised Code. Not less than three dollars from each fee credited to the genetics services fund shall be used to defray costs of phenylketonuria programs.

(b) Not less than three dollars and seventy-five cents shall be deposited into the state treasury to the credit of the sickle cell fund, which is hereby created. Money credited to the sickle cell fund shall be used to defray costs of programs authorized by section 3701.131 of the Revised Code.

(2) In adopting rules under division (F)(1) of this section, the director shall not establish a fee that differs according to whether a screening is performed by the public health laboratory

or by another laboratory selected by the director pursuant to 164
 division (E)(2) of this section." 165

In line 108830, after "3701.242" insert "3701.501" 166

The motion was _____ agreed to.

SYNOPSIS

Newborn screening - Duchenne muscular dystrophy 167

R.C. 3701.501 168

Restores House-added provisions removed by the Senate 169
 substitute bill requiring the Director of Health to specify in 170
 rule Duchenne muscular dystrophy as a disorder for newborn 171
 screening to begin 240 days after the amendment's effective date. 172

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

- In line 4 of the title, after "107.63," insert "109.02," 1
- In line 18 of the title, after "124.15," insert "124.34," 2
- In line 44 of the title, after "955.011," insert "956.11,
956.15," 3
4
- In line 103 of the title, after "3775.07," insert "3794.09," 5
- In line 108 of the title, after "3901.071," insert
"3901.321,"; after "3905.471," insert "3913.13, 3913.23," 6
7
- In line 165 of the title, after "5164.36," insert "5164.38," 8
- In line 204 of the title, after "9.17," insert "101.55,
107.13," 9
10
- In line 211 of the title, after "191.45," insert "303.65," 11
- In line 213 of the title, after "504.126," insert "519.26,
713.16," 12
13
- In line 628, after "107.63," insert "109.02," 14
- In line 638, after "124.15," insert "124.34," 15
- In line 659, after "955.011," insert "956.11, 956.15," 16
- In line 702, after "3775.07," insert "3794.09," 17
- In line 706, after "3901.071," insert "3901.321,"; after 18

"3905.471," insert "3913.13, 3913.23,"	19
In line 746, after "5164.36," insert "5164.38,"	20
In line 775, after "9.17," insert "101.55, 107.13,"	21
In line 780, after "191.45," insert "303.65,"	22
In line 781, after "504.126," insert "519.26, 713.16,"	23
After line 1133, insert:	24
<u>"Sec. 101.55. (A)(1) The speaker of the house of</u>	25
<u>representatives, in the speaker's official capacity as the</u>	26
<u>presiding officer of the house of representatives, may retain</u>	27
<u>legal counsel other than from the attorney general for either of</u>	28
<u>the following purposes:</u>	29
<u>(a) To represent, and intervene on behalf of, the house in</u>	30
<u>any judicial proceeding that involves a challenge to the</u>	31
<u>constitution or laws of this state and that is an important matter</u>	32
<u>of statewide concern. The house may intervene in any such judicial</u>	33
<u>proceeding at any time as a matter of right. Intervention under</u>	34
<u>this division shall be in accordance with Rule 24 of the Ohio</u>	35
<u>Rules of Civil Procedure or with Rule 24 of the Federal Rules of</u>	36
<u>Civil Procedure, as applicable.</u>	37
<u>(b) To provide advice and counsel to the speaker on matters</u>	38
<u>that affect the official business of the house.</u>	39
<u>(2) The speaker shall approve all terms of representation and</u>	40
<u>authorize payment for all financial costs incurred under division</u>	41
<u>(A)(1) of this section from the house of representatives'</u>	42
<u>operating expenses appropriation line item or from a separate</u>	43
<u>appropriation made for those costs.</u>	44
<u>(3) The house of representatives may rescind the retention of</u>	45

a particular legal counsel in a particular matter under division (A)(1) of this section by a resolution adopted by the affirmative vote of a majority of the members elected to the house.

46
47
48

(B)(1) The president of the senate, in the president's official capacity as the presiding officer of the senate, may retain legal counsel other than from the attorney general for either of the following purposes:

49
50
51
52

(a) To represent, and intervene on behalf of, the senate in any judicial proceeding that involves a challenge to the constitution or laws of this state and that is an important matter of statewide concern. The senate may intervene in any such judicial proceeding at any time as a matter of right. Intervention under this division shall be in accordance with Rule 24 of the Ohio Rules of Civil Procedure or with Rule 24 of the Federal Rules of Civil Procedure, as applicable.

53
54
55
56
57
58
59
60

(b) To provide advice and counsel to the president on matters that affect the official business of the senate.

61
62

(2) The president shall approve all terms of representation and authorize payment for all financial costs incurred under division (B)(1) of this section from the senate's operating expenses appropriation line item or from a separate appropriation made for those costs.

63
64
65
66
67

(3) The senate may rescind the retention of a particular legal counsel in a particular matter under division (B)(1) of this section by a resolution adopted by the affirmative vote of a majority of the members elected to the senate.

68
69
70
71

(C)(1) The speaker of the house of representatives and the president of the senate, acting jointly in their official capacities as the presiding officers of the houses of the general

72
73
74

assembly, may retain legal counsel other than from the attorney
general for either of the following purposes:

(a) To represent, and intervene on behalf of, the general
assembly in any judicial proceeding that involves a challenge to
the constitution or laws of this state and that is an important
matter of statewide concern. The general assembly may intervene in
any such judicial proceeding at any time as a matter of right.
Intervention under this division shall be in accordance with Rule
24 of the Ohio Rules of Civil Procedure or with Rule 24 of the
Federal Rules of Civil Procedure, as applicable.

(b) To provide advice and counsel to the speaker and the
president, jointly, on matters that affect the official business
of the general assembly.

(2) The speaker and the president shall jointly approve all
terms of representation and authorize payment for all financial
costs incurred under division (C)(1) of this section from the
house of representatives' and the senate's operating expenses
appropriation line items or from a separate appropriation made for
those costs.

(3) The general assembly may rescind the retention of a
particular legal counsel in a particular matter under division
(C)(1) of this section by a concurrent resolution adopted by the
affirmative vote of a majority of the members elected to each
house of the general assembly.

(D) Notwithstanding any contrary provision of law, nothing in
this section shall be construed to do any of the following:

(1) Constitute a waiver of the legislative immunity or
legislative privilege of the speaker, the president, or any
member, officer, or staff of either house of the general assembly;

<u>(2) Permit any violation of section 9.58 of the Revised Code;</u>	104
<u>(3) Permit the retention of counsel, or intervention, in any criminal proceeding;</u>	105 106
<u>(4) Limit any authority of the speaker of the house of representatives, the president of the senate, the general assembly, or any member of the general assembly that is granted under the constitution of this state or under any other provision of law."</u>	107 108 109 110 111
After line 1966, insert:	112
<u>"Sec. 107.13. (A) The governor, in the governor's official capacity as the supreme executive of this state, may retain legal counsel other than from the attorney general for either of the following purposes:</u>	113 114 115 116
<u>(1) To represent, and intervene on behalf of, the governor in any judicial proceeding that involves a challenge to the constitution or laws of this state and that is an important matter of statewide concern. The governor may intervene in any such judicial proceeding at any time as a matter of right. Intervention under this division shall be in accordance with Rule 24 of the Ohio Rules of Civil Procedure or with Rule 24 of the Federal Rules of Civil Procedure, as applicable.</u>	117 118 119 120 121 122 123 124
<u>(2) To provide advice and counsel to the governor on matters that affect the official business of the office of the governor.</u>	125 126
<u>(B) The governor shall approve all terms of representation and authorize payment for all financial costs incurred under division (A) of this section from the office of the governor's operating expenses appropriation line item or from a separate appropriation made for those costs. The requirements of sections</u>	127 128 129 130 131

125.05 and 127.16 of the Revised Code do not apply to a 132
representation agreement entered into under division (A) of this 133
section. 134

(C) Notwithstanding any contrary provision of law, nothing in 135
this section shall be construed to do any of the following: 136

(1) Constitute a waiver of any executive privilege of the 137
governor or any executive officer or staff; 138

(2) Permit any violation of section 9.58 of the Revised Code; 139

(3) Permit the retention of counsel, or intervention, in any 140
criminal proceeding; 141

(4) Limit any authority of the governor that is granted under 142
the constitution of this state or under any other provision of 143
law." 144

After line 2143, insert: 145

"**Sec. 109.02.** The attorney general is the chief law officer 146
for the state and all its departments and shall be provided with 147
adequate office space in Columbus. Except as provided in division 148
(E) of section 120.06 and in sections 101.55, 107.13, and 3517.152 149
to 3517.157 of the Revised Code, no state officer or board, or 150
head of a department or institution of the state shall employ, or 151
be represented by, other counsel or attorneys at law. The attorney 152
general shall appear for the state in the trial and argument of 153
all civil and criminal causes in the supreme court in which the 154
state is directly or indirectly interested. When required by the 155
governor or the general assembly, the attorney general shall 156
appear for the state in any court or tribunal in a cause in which 157
the state is a party, or in which the state is directly 158
interested. Upon the written request of the governor, the attorney 159

general shall prosecute any person indicted for a crime." 160

Delete lines 4622 through 4837 and insert: 161

"**Sec. 119.12.** ~~(A)(1) Except as provided in division (A)(2) or (3) of this section, any~~(A) Any party adversely affected by any 162
 order of an agency issued pursuant to an adjudication ~~denying an~~ 163
 applicant admission to an examination, ~~or denying the issuance or~~ 164
 renewal of a license or registration of a licensee, ~~or revoking or~~ 165
 suspending a license, ~~or allowing the payment of a forfeiture~~ 166
 under section 4301.252 of the Revised Code may appeal from the 167
 order of the agency to the court of common pleas of the county ~~in~~ 168
 which the place of business of the licensee is located ~~or the~~ 169
 county in which the licensee is a resident designated in division 170
(B) of this section. 171
 172

~~(2)(B)~~ An appeal from an order described in division 173
~~(A)(1)(A)~~ of this section shall be filed in the county designated 174
as follows: 175

(1) Except as otherwise provided in division (B)(2) of this 176
section, an appeal from an order of an agency issued pursuant to 177
an adjudication denying an applicant admission to an examination, 178
denying the issuance or renewal of a license or registration of a 179
licensee, revoking or suspending a license, or allowing the 180
payment of a forfeiture under section 4301.252 of the Revised Code 181
shall be filed in the county in which the place of business of the 182
licensee is located or the county in which the licensee is a 183
resident. 184

(2) An appeal from an order issued by any of the following 185
 agencies shall be made to the court of common pleas of Franklin 186
 county or the court of common pleas in the county in which the 187
place of business of the licensee is located or the county in 188

which the licensee is a resident: 189

(a) The liquor control commission; 190

(b) The Ohio casino control commission; 191

(c) The state medical board; 192

~~(e)~~(d) The state chiropractic board; 193

~~(d)~~(e) The board of nursing; 194

~~(e)~~(f) The bureau of workers' compensation regarding 195
 participation in the health partnership program created in 196
 sections 4121.44 and 4121.441 of the Revised Code. 197

~~(3) If any party appealing from an order described in 198
 division (A)(1) of this section is not a resident of and has no 199
 place of business in this state, the party may appeal to the court 200
 of common pleas of Franklin county. 201~~

~~(B) Any party adversely affected by any order of an agency 202
 issued pursuant to any other adjudication may appeal to the court 203
 of common pleas of Franklin county, except that appeals Appeals 204
 from orders of the fire marshal issued under Chapter 3737. of the 205
 Revised Code ~~may~~ shall be to the court of common pleas of the 206
 county in which the building of the aggrieved person is located 207
 and ~~except that appeals.~~ 208~~

(4) Appeals under division (B) of section 124.34 of the 209
 Revised Code from a decision of the state personnel board of 210
 review or a municipal or civil service township civil service 211
 commission shall be taken to the court of common pleas of the 212
 county in which the appointing authority is located or, in the 213
 case of an appeal by the department of rehabilitation and 214
 correction, to the court of common pleas of Franklin county. 215

(5) If any party appealing from an order described in 216

division (B)(1), (2), or (6) of this section is not a resident of 217
and has no place of business in this state, the party shall appeal 218
to the court of common pleas of Franklin county. 219

(6) Any party adversely affected by any order of an agency 220
issued pursuant to any other adjudication may appeal to the court 221
of common pleas of Franklin county or the court of common pleas of 222
the county in which the business of the party is located or in 223
which the party is a resident. 224

(C) This section does not apply to appeals from the 225
department of taxation. 226

(D) Any party desiring to appeal shall file a notice of 227
appeal with the agency setting forth the order appealed from and 228
stating that the agency's order is not supported by reliable, 229
probative, and substantial evidence and is not in accordance with 230
law. The notice of appeal may, but need not, set forth the 231
specific grounds of the party's appeal beyond the statement that 232
the agency's order is not supported by reliable, probative, and 233
substantial evidence and is not in accordance with law. The notice 234
of appeal shall also be filed by the appellant with the court. In 235
filing a notice of appeal with the agency or court, the notice 236
that is filed may be either the original notice or a copy of the 237
original notice. Unless otherwise provided by law relating to a 238
particular agency, notices of appeal shall be filed within fifteen 239
days after the ~~mailing~~ service of the notice of the agency's order 240
as provided in ~~this~~ section 119.05 of the Revised Code. For 241
purposes of this paragraph, an order includes a determination 242
appealed pursuant to division (C) of section 119.092 of the 243
Revised Code. The amendments made to this paragraph by Sub. H.B. 244
215 of the 128th general assembly are procedural, and this 245
paragraph as amended by those amendments shall be applied 246

retrospectively to all appeals pursuant to this paragraph filed 247
before September 13, 2010, but not earlier than May 7, 2009, which 248
was the date the supreme court of Ohio released its opinion and 249
judgment in *Medcorp, Inc. v. Ohio Dep't. of Job and Family Servs.* 250
(2009), 121 Ohio St.3d 622. 251

(E) The filing of a notice of appeal shall not automatically 252
operate as a suspension of the order of an agency. If it appears 253
to the court that an unusual hardship to the appellant will result 254
from the execution of the agency's order pending determination of 255
the appeal, the court may grant a suspension and fix its terms. If 256
an appeal is taken from the judgment of the court and the court 257
has previously granted a suspension of the agency's order as 258
provided in this section, the suspension of the agency's order 259
shall not be vacated and shall be given full force and effect 260
until the matter is finally adjudicated. No renewal of a license 261
or permit shall be denied by reason of the suspended order during 262
the period of the appeal from the decision of the court of common 263
pleas. In the case of an appeal from the Ohio casino control 264
commission, the state medical board, or the state chiropractic 265
board, the court may grant a suspension and fix its terms if it 266
appears to the court that an unusual hardship to the appellant 267
will result from the execution of the agency's order pending 268
determination of the appeal and the health, safety, and welfare of 269
the public will not be threatened by suspension of the order. This 270
provision shall not be construed to limit the factors the court 271
may consider in determining whether to suspend an order of any 272
other agency pending determination of an appeal. 273

(F) The final order of adjudication may apply to any renewal 274
of a license or permit which has been granted during the period of 275
the appeal. 276

(G) Notwithstanding any other provision of this section, any 277

order issued by a court of common pleas or a court of appeals 278
suspending the effect of an order of the liquor control commission 279
issued pursuant to Chapter 4301. or 4303. of the Revised Code that 280
suspends, revokes, or cancels a permit issued under Chapter 4303. 281
of the Revised Code or that allows the payment of a forfeiture 282
under section 4301.252 of the Revised Code shall terminate not 283
more than six months after the date of the filing of the record of 284
the liquor control commission with the clerk of the court of 285
common pleas and shall not be extended. The court of common pleas, 286
or the court of appeals on appeal, shall render a judgment in that 287
matter within six months after the date of the filing of the 288
record of the liquor control commission with the clerk of the 289
court of common pleas. A court of appeals shall not issue an order 290
suspending the effect of an order of the liquor control commission 291
that extends beyond six months after the date on which the record 292
of the liquor control commission is filed with a court of common 293
pleas. 294

(H) Notwithstanding any other provision of this section, any 295
order issued by a court of common pleas or a court of appeals 296
suspending the effect of an order of the Ohio casino control 297
commission issued under Chapter 3772. of the Revised Code that 298
limits, conditions, restricts, suspends, revokes, denies, not 299
renews, fines, or otherwise penalizes an applicant, licensee, or 300
person excluded or ejected from a casino facility in accordance 301
with section 3772.031 of the Revised Code shall terminate not more 302
than six months after the date of the filing of the record of the 303
Ohio casino control commission with the clerk of the court of 304
common pleas and shall not be extended. The court of common pleas, 305
or the court of appeals on appeal, shall render a judgment in that 306
matter within six months after the date of the filing of the 307
record of the Ohio casino control commission with the clerk of the 308

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

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

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

~~(J)~~(K) Notwithstanding any other provision of this section, 340
any party desiring to appeal an order or decision of the state 341
personnel board of review shall, at the time of filing a notice of 342
appeal with the board, provide a security deposit in an amount and 343
manner prescribed in rules that the board shall adopt in 344
accordance with this chapter. In addition, the board is not 345
required to prepare or transcribe the record of any of its 346
proceedings unless the appellant has provided the deposit 347
described above. The failure of the board to prepare or transcribe 348
a record for an appellant who has not provided a security deposit 349
shall not cause a court to enter a finding adverse to the board. 350

~~(K)~~(L) Unless otherwise provided by law, in the hearing of 351
the appeal, the court is confined to the record as certified to it 352
by the agency. Unless otherwise provided by law, the court may 353
grant a request for the admission of additional evidence when 354
satisfied that the additional evidence is newly discovered and 355
could not with reasonable diligence have been ascertained prior to 356
the hearing before the agency. 357

~~(L)~~(M) The court shall conduct a hearing on the appeal and 358
shall give preference to all proceedings under sections 119.01 to 359
119.13 of the Revised Code, over all other civil cases, 360
irrespective of the position of the proceedings on the calendar of 361
the court. An appeal from an order of the state medical board 362
issued pursuant to division (G) of either section 4730.25 or 363
4731.22 of the Revised Code, the state chiropractic board issued 364
pursuant to section 4734.37 of the Revised Code, the liquor 365
control commission issued pursuant to Chapter 4301. or 4303. of 366
the Revised Code, or the Ohio casino control commission issued 367
pursuant to Chapter 3772. of the Revised Code shall be set down 368
for hearing at the earliest possible time and takes precedence 369
over all other actions. The hearing in the court of common pleas 370

shall proceed as in the trial of a civil action, and the court 371
shall determine the rights of the parties in accordance with the 372
laws applicable to a civil action. At the hearing, counsel may be 373
heard on oral argument, briefs may be submitted, and evidence may 374
be introduced if the court has granted a request for the 375
presentation of additional evidence. 376

~~(M)~~(N) The court may affirm the order of the agency 377
complained of in the appeal if it finds, upon consideration of the 378
entire record and any additional evidence the court has admitted, 379
that the order is supported by reliable, probative, and 380
substantial evidence and is in accordance with law. In the absence 381
of this finding, it may reverse, vacate, or modify the order or 382
make such other ruling as is supported by reliable, probative, and 383
substantial evidence and is in accordance with law. The court 384
shall award compensation for fees in accordance with section 385
2335.39 of the Revised Code to a prevailing party, other than an 386
agency, in an appeal filed pursuant to this section. 387

~~(N)~~(O) The judgment of the court shall be final and 388
conclusive unless reversed, vacated, or modified on appeal. These 389
appeals may be taken either by the party or the agency, shall 390
proceed as in the case of appeals in civil actions, and shall be 391
pursuant to the Rules of Appellate Procedure and, to the extent 392
not in conflict with those rules, Chapter 2505. of the Revised 393
Code. An appeal by the agency shall be taken on questions of law 394
relating to the constitutionality, construction, or interpretation 395
of statutes and rules of the agency, and, in the appeal, the court 396
may also review and determine the correctness of the judgment of 397
the court of common pleas that the order of the agency is not 398
supported by any reliable, probative, and substantial evidence in 399
the entire record. 400

The court shall certify its judgment to the agency or take 401

any other action necessary to give its judgment effect." 402

After line 10656, insert: 403

"**Sec. 124.34.** (A) The tenure of every officer or employee in 404
 the classified service of the state and the counties, civil 405
 service townships, cities, city health districts, general health 406
 districts, and city school districts of the state, holding a 407
 position under this chapter, shall be during good behavior and 408
 efficient service. No officer or employee shall be reduced in pay 409
 or position, fined, suspended, or removed, or have the officer's 410
 or employee's longevity reduced or eliminated, except as provided 411
 in section 124.32 of the Revised Code, and for incompetency, 412
 inefficiency, unsatisfactory performance, dishonesty, drunkenness, 413
 immoral conduct, insubordination, discourteous treatment of the 414
 public, neglect of duty, violation of any policy or work rule of 415
 the officer's or employee's appointing authority, violation of 416
 this chapter or the rules of the director of administrative 417
 services or the commission, any other failure of good behavior, 418
 any other acts of misfeasance, malfeasance, or nonfeasance in 419
 office, or conviction of a felony while employed in the civil 420
 service. The denial of a one-time pay supplement or a bonus to an 421
 officer or employee is not a reduction in pay for purposes of this 422
 section. 423

This section does not apply to any modifications or 424
 reductions in pay or work week authorized by section 124.392, 425
 124.393, or 124.394 of the Revised Code. 426

An appointing authority may require an employee who is 427
 suspended to report to work to serve the suspension. An employee 428
 serving a suspension in this manner shall continue to be 429
 compensated at the employee's regular rate of pay for hours 430

worked. The disciplinary action shall be recorded in the 431
employee's personnel file in the same manner as other disciplinary 432
actions and has the same effect as a suspension without pay for 433
the purpose of recording disciplinary actions. 434

A finding by the appropriate ethics commission, based upon a 435
preponderance of the evidence, that the facts alleged in a 436
complaint under section 102.06 of the Revised Code constitute a 437
violation of Chapter 102., section 2921.42, or section 2921.43 of 438
the Revised Code may constitute grounds for dismissal. Failure to 439
file a statement or falsely filing a statement required by section 440
102.02 of the Revised Code may also constitute grounds for 441
dismissal. The tenure of an employee in the career professional 442
service of the department of transportation is subject to section 443
5501.20 of the Revised Code. 444

Conviction of a felony while employed in the civil service is 445
a separate basis for reducing in pay or position, suspending, or 446
removing an officer or employee, even if the officer or employee 447
has already been reduced in pay or position, suspended, or removed 448
for the same conduct that is the basis of the felony. An officer 449
or employee may not appeal to the state personnel board of review 450
or the commission any disciplinary action taken by an appointing 451
authority as a result of the officer's or employee's conviction of 452
a felony. If an officer or employee removed under this section is 453
reinstated as a result of an appeal of the removal, any conviction 454
of a felony that occurs during the pendency of the appeal is a 455
basis for further disciplinary action under this section upon the 456
officer's or employee's reinstatement. 457

A person convicted of a felony while employed in the civil 458
service immediately forfeits the person's status as a classified 459
employee in any public employment on and after the date of the 460

conviction for the felony. If an officer or employee is removed
under this section as a result of being convicted of a felony or
is subsequently convicted of a felony that involves the same
conduct that was the basis for the removal, the officer or
employee is barred from receiving any compensation after the
removal notwithstanding any modification or disaffirmance of the
removal, unless the conviction for the felony is subsequently
reversed or annulled.

Any person removed for conviction of a felony is entitled to
a cash payment for any accrued but unused sick, personal, and
vacation leave as authorized by law. If subsequently reemployed in
the public sector, the person shall qualify for and accrue these
forms of leave in the manner specified by law for a newly
appointed employee and shall not be credited with prior public
service for the purpose of receiving these forms of leave.

As used in this division, "felony" means any of the
following:

(1) A felony that is an offense of violence as defined in
section 2901.01 of the Revised Code;

(2) A felony that is a felony drug abuse offense as defined
in section 2925.01 of the Revised Code;

(3) A felony under the laws of this or any other state or the
United States that is a crime of moral turpitude;

(4) A felony involving dishonesty, fraud, or theft;

(5) A felony that is a violation of section 2921.05, 2921.32,
or 2921.42 of the Revised Code.

(B) In case of a reduction, a suspension of more than forty
work hours in the case of an employee exempt from the payment of
overtime compensation, a suspension of more than twenty-four work

hours in the case of an employee required to be paid overtime 490
compensation, a fine of more than forty hours' pay in the case of 491
an employee exempt from the payment of overtime compensation, a 492
fine of more than twenty-four hours' pay in the case of an 493
employee required to be paid overtime compensation, or removal, 494
except for the reduction or removal of a probationary employee, 495
the appointing authority shall serve the employee with a copy of 496
the order of reduction, fine, suspension, or removal, which order 497
shall state the reasons for the action. 498

Within ten days following the date on which the order is 499
served or, in the case of an employee in the career professional 500
service of the department of transportation, within ten days 501
following the filing of a removal order, the employee, except as 502
otherwise provided in this section, may file an appeal of the 503
order in writing with the state personnel board of review or the 504
commission. For purposes of this section, the date on which an 505
order is served is the date of hand delivery of the order or the 506
date of delivery of the order by certified United States mail, 507
whichever occurs first. If an appeal is filed, the board or 508
commission shall forthwith notify the appointing authority and 509
shall hear, or appoint a trial board to hear, the appeal within 510
thirty days from and after its filing with the board or 511
commission. The board, commission, or trial board may affirm, 512
disaffirm, or modify the judgment of the appointing authority. 513
However, in an appeal of a removal order based upon a violation of 514
a last chance agreement, the board, commission, or trial board may 515
only determine if the employee violated the agreement and thus 516
affirm or disaffirm the judgment of the appointing authority. 517

In cases of removal or reduction in pay for disciplinary 518
reasons, either the appointing authority or the officer or 519
employee may appeal from the decision of the state personnel board 520

of review or the commission, and any such appeal shall be to the 521
court of common pleas ~~of the county in which the appointing~~ 522
~~authority is located, or to the court of common pleas of Franklin~~ 523
~~county, as provided by section 119.12 of the Revised Code in~~ 524
accordance with section 119.12 of the Revised Code. 525

(C) In the case of the suspension for any period of time, or 526
a fine, demotion, or removal, of a chief of police, a chief of a 527
fire department, or any member of the police or fire department of 528
a city or civil service township, who is in the classified civil 529
service, the appointing authority shall furnish the chief or 530
member with a copy of the order of suspension, fine, demotion, or 531
removal, which order shall state the reasons for the action. The 532
order shall be filed with the municipal or civil service township 533
civil service commission. Within ten days following the filing of 534
the order, the chief or member may file an appeal, in writing, 535
with the commission. If an appeal is filed, the commission shall 536
forthwith notify the appointing authority and shall hear, or 537
appoint a trial board to hear, the appeal within thirty days from 538
and after its filing with the commission, and it may affirm, 539
disaffirm, or modify the judgment of the appointing authority. An 540
appeal on questions of law and fact may be had from the decision 541
of the commission to the court of common pleas in the county in 542
which the city or civil service township is situated. The appeal 543
shall be taken within thirty days from the finding of the 544
commission. 545

(D) A violation of division (A)(7) of section 2907.03 of the 546
Revised Code is grounds for termination of employment of a 547
nonteaching employee under this section. 548

(E) The director shall adopt a rule in accordance with 549
Chapter 119. of the Revised Code to define the term 550

"unsatisfactory performance" as it is used in this section with regard to employees in the service of the state.

551
552

(F) As used in this section, "last chance agreement" means an agreement signed by both an appointing authority and an officer or employee of the appointing authority that describes the type of behavior or circumstances that, if it occurs, will automatically lead to removal of the officer or employee without the right of appeal to the state personnel board of review or the appropriate commission."

553
554
555
556
557
558
559

After line 20728, insert:

560

"Sec. 303.65. A final judgment on the merits issued by a court of competent jurisdiction pursuant to its power of review under Chapter 2506. of the Revised Code, on claims brought under this chapter, does not preclude later claims for damages, including claims brought under 42 U.S.C. 1983, even if the common law doctrine of res judicata would otherwise bar the claim.

561
562
563
564
565
566

The general assembly intends that this section be construed to override the federal sixth circuit court of appeals's decision in the case *Lavon Moore v. Hiram Twp.*, 988 F.3d 353 (6th Cir. 2021)."

567
568
569
570

After line 22966, insert:

571

"Sec. 519.26. A final judgment on the merits issued by a court of competent jurisdiction pursuant to its power of review under Chapter 2506. of the Revised Code, on claims brought under this chapter, does not preclude later claims for damages, including claims brought under 42 U.S.C. 1983, even if the common law doctrine of res judicata would otherwise bar the claim.

572
573
574
575
576
577

The general assembly intends that this section be construed

578

to override the federal sixth circuit court of appeals's decision 579
in the case *Lavon Moore v. Hiram Twp.*, 988 F.3d 353 (6th Cir. 580
2021)." 581

After line 23125, insert: 582

Sec. 713.16. A final judgment on the merits issued by a court 583
of competent jurisdiction pursuant to its power of review under 584
Chapter 2506. of the Revised Code, on claims brought under this 585
chapter, does not preclude later claims for damages, including 586
claims brought under 42 U.S.C. 1983, even if the common law 587
doctrine of res judicata would otherwise bar the claim. 588

The general assembly intends that this section be construed 589
to override the federal sixth circuit court of appeals's decision 590
in the case *Lavon Moore v. Hiram Twp.*, 988 F.3d 353 (6th Cir. 591
2021)." 592

After line 26863, insert: 593

"**Sec. 956.11.** (A) The director of agriculture may enter into 594
contracts or agreements with an animal rescue for dogs, an animal 595
shelter for dogs, a boarding kennel, a veterinarian, a board of 596
county commissioners, or a humane society for the purposes of this 597
section. 598

(B)(1) If the director or the director's authorized 599
representative determines that a dog is being kept by a high 600
volume breeder or dog broker in a manner that materially violates 601
this chapter or rules adopted under it, the director may impound 602
the dog and order it to be seized by an animal rescue for dogs, an 603
animal shelter for dogs, a boarding kennel, a veterinarian, a 604
board of county commissioners, or a humane society with which the 605
director has entered into a contract or agreement under division 606

(A) of this section. Upon receiving the order from the director,
the animal rescue for dogs, animal shelter for dogs, boarding
kennel, veterinarian, board of county commissioners, or humane
society shall seize the dog and keep, house, and maintain it.

(2) The director or the director's authorized representative
shall give written notice of the impoundment by posting a notice
on the door of the premises from which the dog was taken or by
otherwise posting the notice in a conspicuous place at the
premises from which the dog was taken. The notice shall provide a
date for an adjudication hearing, which shall take place not later
than five business days after the dog is taken and at which the
director shall determine if the dog should be permanently
relinquished to the custody of the director.

(C) The owner or operator of the applicable high volume
breeder or the person acting as or performing the functions of a
dog broker may appeal the determination made at the adjudication
hearing in accordance with section 119.12 of the Revised Code,
~~except that the appeal may be made only to the environmental
division of the Franklin county municipal court.~~

(D) If, after the final disposition of an adjudication
hearing and any appeals from that adjudication hearing, it is
determined that a dog shall be permanently relinquished to the
custody of the director, the dog may be adopted directly from the
animal rescue for dogs, animal shelter for dogs, boarding kennel,
veterinarian, county dog pound, or humane society where it is
being kept, housed, and maintained, provided that the dog has been
spayed or neutered unless there are medical reasons against
spaying or neutering as determined by a veterinarian. The animal
rescue for dogs, animal shelter for dogs, boarding kennel,
veterinarian, county dog pound, or humane society may charge a

reasonable adoption fee. The fee shall be at least sufficient to
cover the costs of spaying or neutering the dog unless it is
medically contraindicated. Impounded dogs shall be returned to
persons acquitted of any alleged violations.

Sec. 956.15. (A) The director of agriculture shall deny an
application for a license that is submitted under section 956.04
or 956.05 of the Revised Code for either of the following reasons:

(1) The applicant for the license has violated any provision
of this chapter or a rule adopted under it if the violation
materially threatens the health or welfare of a dog.

(2) The applicant has been convicted of or pleaded guilty to
a disqualifying offense as determined in accordance with section
9.79 of the Revised Code.

(B) The director may suspend or revoke a license issued under
this chapter for violation of any provision of this chapter or a
rule adopted or order issued under it if the violation materially
threatens the health and welfare of a dog.

(C) An application or a license shall not be denied,
suspended, or revoked under this section without a written order
of the director stating the findings on which the denial,
suspension, or revocation is based. A copy of the order shall be
sent to the applicant or license holder by certified mail or may
be provided to the applicant or license holder by personal
service. In addition, the person to whom a denial, suspension, or
revocation applies may request an adjudication hearing under
Chapter 119. of the Revised Code. The director shall comply with
such a request. The determination of the director at an
adjudication hearing may be appealed in accordance with section
119.12 of the Revised Code, ~~except that the determination may be~~

~~appealed only to the environmental division of the Franklin county
municipal court."~~ 666
667

After line 59315, insert: 668

"Sec. 3794.09. Enforcement; Penalties." 669

(A) Upon the receipt of a first report that a proprietor of a 670
public place or place of employment or an individual has violated 671
any provision of this chapter, the department of health or its 672
designee shall investigate the report and, if it concludes that 673
there was a violation, issue a warning letter to the proprietor or 674
individual. 675

(B) Upon a report of a second or subsequent violation of any 676
provision of this chapter by a proprietor of a public place or 677
place of employment or an individual, the department of health or 678
its designee shall investigate the report. If the director of 679
health or director's designee concludes, based on all of the 680
information before ~~him or her~~ the director or the director's 681
designee, that there was a violation, ~~he or she~~ the director or 682
the director's designee shall impose a civil fine upon the 683
proprietor or individual in accordance with the schedule of fines 684
required to be promulgated under section 3794.07 of ~~this chapter~~ 685
the Revised Code. 686

(C) Any proprietor or individual against whom a finding of a 687
violation is made under this chapter may appeal the finding ~~to the~~ 688
~~Franklin County Court of Common Pleas. Such appeal shall be~~ 689
~~governed by the provisions of~~ in accordance with section 119.12 of 690
the Revised Code. 691

(D) The director of health may institute an action in the 692
court of common pleas seeking an order in equity against a 693
proprietor or individual that has repeatedly violated the 694

provisions of this chapter or fails to comply with its	695
provisions."	696
After line 60323, insert:	697
Sec. 3901.321. (A) For the purposes of this section:	698
(1) "Acquiring party" means any person by whom or on whose	699
behalf a merger or other acquisition of control is to be effected.	700
(2) "Domestic insurer" includes any person controlling a	701
domestic insurer unless the person, as determined by the	702
superintendent of insurance, is either directly or through its	703
affiliates primarily engaged in business other than the business	704
of insurance.	705
(3) "Person" does not include any securities broker holding,	706
in the usual and customary broker's function, less than twenty per	707
cent of the voting securities of an insurance company or of any	708
person that controls an insurance company.	709
(B)(1) Subject to compliance with division (B)(2) of this	710
section, no person other than the issuer shall do any of the	711
following if, as a result, the person would, directly or	712
indirectly, including by means of conversion or the exercise of	713
any right to acquire, be in control of a domestic insurer:	714
(a) Make a tender offer for any voting security of a domestic	715
insurer;	716
(b) Make a request or invitation for tenders of any voting	717
security of a domestic insurer;	718
(c) Enter into any agreement to exchange securities of a	719
domestic insurer;	720
(d) Seek to acquire or acquire, in the open market or	721

otherwise, any voting security of a domestic insurer; 722

(e) Enter into an agreement to merge with, or otherwise to 723
acquire control of, a domestic insurer. 724

(2)(a) No person shall engage in any transaction described in 725
division (B)(1) of this section, unless all of the following 726
conditions are met: 727

(i) The person has filed with the superintendent of insurance 728
a statement containing the information required by division (C) of 729
this section; 730

(ii) The person has sent the statement to the domestic 731
insurer; 732

(iii) The offer, request, invitation, agreement, or 733
acquisition has been approved by the superintendent in the manner 734
provided in division (F) of this section. 735

(b) The requirements of division (B)(2)(a) of this section 736
shall be met at the time any offer, request, or invitation is 737
made, or any agreement is entered into, or prior to the 738
acquisition of the securities if no offer or agreement is 739
involved. 740

(3) Any controlling person of a domestic insurer seeking to 741
divest its controlling interest in the domestic insurer shall file 742
a confidential notice of its proposed divestiture with the 743
superintendent at least thirty days prior to the cessation of 744
control, and provide a copy of the confidential notice to the 745
insurer. The superintendent may require the person seeking to 746
divest the controlling interest to file for and obtain approval of 747
the transaction. The information shall remain confidential until 748
the conclusion of the transaction unless the superintendent, in 749
the superintendent's discretion, determines that the confidential 750

treatment will interfere with enforcement of this section. If the
statement required by division (B)(2) of this section is otherwise
filed with the superintendent in relation to all parties that
acquire a controlling interest as a result of the divestiture,
this division shall not apply.

(C) The statement required by division (B)(2) of this section
shall be made under oath or affirmation, and shall contain all of
the following information:

(1) The name and address of each acquiring party;

(2) If the acquiring party is an individual, the individual's
principal occupation and all offices and positions held during the
past five years, and any conviction of crimes other than minor
traffic violations during the past ten years;

(3) If the acquiring party is not an individual, a report of
the nature of its business operations during the past five years
or for such lesser period as the acquiring party and any of its
predecessors shall have been in existence; an informative
description of the business intended to be done by the acquiring
party and the acquiring party's subsidiaries; and a list of all
individuals who are or who have been selected to become directors
or executive officers of the acquiring party, who perform or will
perform functions appropriate to such positions. The list shall
include for each individual the information required by division
(C)(2) of this section.

(4) The source, nature, and amount of the consideration used
or to be used in effecting the merger or other acquisition of
control, a description of any transaction in which funds were or
are to be obtained for any such purpose, including any pledge of
the domestic insurer's stock, or the stock of any of its
subsidiaries or controlling affiliates, and the identity of

persons furnishing such consideration; 781

(5) Fully audited financial information as to the earnings 782
and financial condition of each acquiring party for its preceding 783
five fiscal years, or for such lesser period as the acquiring 784
party and any of its predecessors shall have been in existence, 785
and similar unaudited information as of a date not earlier than 786
ninety days prior to the filing of the statement; 787

(6) Any plans or proposals which each acquiring party may 788
have to liquidate such domestic insurer, to sell its assets or 789
merge or consolidate it with any person, or to make any other 790
material change in its business or corporate structure or 791
management; 792

(7) The number of shares of any security of such issuer or 793
such controlling person that each acquiring party proposes to 794
acquire, and the terms of the offer, request, invitation, 795
agreement, or acquisition, and a statement as to the method by 796
which the fairness of the proposal was determined; 797

(8) The amount of each class of any security of such issuer 798
or such controlling person which is beneficially owned or 799
concerning which there is a right to acquire beneficial ownership 800
by each acquiring party; 801

(9) A full description of any contracts, arrangements, or 802
understandings with respect to any security of such issuer or such 803
controlling person in which any acquiring party is involved, 804
including but not limited to transfer of any of the securities, 805
joint ventures, loan or option arrangements, puts or calls, 806
guarantees of loans, guarantees against loss or guarantees of 807
profits, division of losses or profits, or the giving or 808
withholding of proxies. The description shall identify the persons 809
with whom such contracts, arrangements, or understandings have 810

been made. 811

(10) A description of the purchase of any security of such 812
issuer or such controlling person during the year preceding the 813
filing of the statement, by any acquiring party, including the 814
dates of purchase, names of the purchasers, and consideration paid 815
or agreed to be paid therefor; 816

(11) A description of any recommendations to purchase any 817
security of such issuer or such controlling person made during the 818
year preceding the filing of the statement, by any acquiring 819
party, or by anyone based upon interviews or at the suggestion of 820
the acquiring party; 821

(12) Copies of all tender offers for, requests, or 822
invitations for tenders of, exchange offers for, and agreements to 823
acquire or exchange any securities of such issuer or such 824
controlling person, and, if distributed, of additional 825
solicitation material relating thereto; 826

(13) The terms of any agreement, contract, or understanding 827
made with or proposed to be made with any broker or dealer as to 828
solicitation of securities of such issuer or such controlling 829
person for tender, and the amount of any fees, commissions, or 830
other compensation to be paid to brokers or dealers with regard 831
thereto; 832

(14) With respect to proposed affiliations between depository 833
institutions or any affiliate thereof, within the meaning of Title 834
I, section 104(c) of the "Gramm-Leach-Bliley Act," Pub. L. No. 835
106-102, 113 Stat. 1338 (1999), and a domestic insurer, the 836
proposed effective date of the acquisition or change of control; 837

(15) An agreement by the person required to file the 838
statement required by division (B) of this section that the person 839

will provide the annual registration required by division (K) of 840
section 3901.33 of the Revised Code for so long as the person has 841
control of the domestic insurer; 842

(16) An acknowledgment by the person required to file the 843
statement required by division (B) of this section that the person 844
and all subsidiaries within the person's control in the insurance 845
holding company system will provide information to the 846
superintendent upon request as necessary to evaluate enterprise 847
risk to the insurer; 848

(17) Such additional information as the superintendent may by 849
rule prescribe as necessary or appropriate for the protection of 850
policyholders of the domestic insurer or in the public interest. 851

(D)(1) If the person required to file the statement required 852
by division (B)(2) of this section is a partnership, limited 853
partnership, syndicate, or other group, the superintendent may 854
require that the information required by division (C) of this 855
section be furnished with respect to each partner of such 856
partnership or limited partnership, each member of such syndicate 857
or group, and each person that controls such partner or member. If 858
any such partner, member, or person is a corporation, or the 859
person required to file the statement is a corporation, the 860
superintendent may require that the information required by 861
division (C) of this section be furnished with respect to the 862
corporation, each officer and director of the corporation, and 863
each person that is directly or indirectly the beneficial owner of 864
more than ten per cent of the outstanding voting securities of the 865
corporation. 866

(2) If any material change occurs in the facts set forth in 867
the statement required by division (B)(2) of this section, an 868
amendment setting forth such change, together with copies of all 869

documents and other material relevant to the change, shall be 870
filed with the superintendent by the person subject to division 871
(B)(2) of this section and sent to the domestic insurer within two 872
business days after such person learns of the occurrence of the 873
material change. 874

(E) If any offer, request, invitation, agreement, or 875
acquisition described in division (B)(1) of this section is 876
proposed to be made by means of a registration statement under the 877
"Securities Act of 1933," 48 Stat. 74, 15 U.S.C.A. 78a, or in 878
circumstances requiring the disclosure of similar information 879
under the "Securities Exchange Act of 1934," 48 Stat. 881, 15 880
U.S.C.A. 78a, or under a state law requiring similar registration 881
or disclosure, the person required to file the statement required 882
by division (B)(2) of this section may use such documents in 883
furnishing the information required by that statement. 884

(F)(1) The superintendent shall approve any merger or other 885
acquisition of control described in division (B)(1) of this 886
section unless, after a public hearing, the superintendent finds 887
that any of the following apply: 888

(a) After the change of control, the domestic insurer would 889
not be able to satisfy the requirements for the issuance of a 890
license to write the line or lines of insurance for which it is 891
presently licensed; 892

(b) The effect of the merger or other acquisition of control 893
would be substantially to lessen competition in insurance in this 894
state or tend to create a monopoly; 895

(c) The financial condition of any acquiring party is such as 896
might jeopardize the financial stability of the domestic insurer, 897
or prejudice the interests of its policyholders; 898

(d) The plans or proposals that the acquiring party has to liquidate the domestic insurer, sell its assets, or consolidate or merge it with any person, or to make any other material change in its business or corporate structure or management, are unfair and unreasonable to policyholders of the domestic insurer and not in the public interest;

(e) The competence, experience, and integrity of those persons that would control the operation of the domestic insurer are such that it would not be in the interest of policyholders of the domestic insurer and of the public to permit the merger or other acquisition of control;

(f) The acquisition is likely to be hazardous or prejudicial to the insurance-buying public.

(2)(a) Chapter 119. of the Revised Code, except for section 119.09 of the Revised Code, applies to any hearing held under division (F)(1) of this section, including the notice of the hearing, the conduct of the hearing, the orders issued pursuant to it, the review of the orders, and all other matters relating to the holding of the hearing, but only to the extent that Chapter 119. of the Revised Code is not inconsistent or in conflict with this section.

(b) The notice of a hearing required under this division shall be transmitted by personal service, certified mail, e-mail, or any other method designed to ensure and confirm receipt of the notice, to the persons and addresses designated to receive notices and correspondence in the information statement filed under division (B)(2) of this section. Confirmation of receipt of the notice, including electronic "Read Receipt" confirmation, shall constitute evidence of compliance with the requirement of this section. The notice of hearing shall include the reasons for the

proposed action and a statement informing the acquiring party that 929
the party is entitled to a hearing. The notice also shall inform 930
the acquiring party that at the hearing the acquiring party may 931
appear in person, by attorney, or by such other representative as 932
is permitted to practice before the superintendent, or that the 933
acquiring party may present its position, arguments, or 934
contentions in writing, and that at the hearing the acquiring 935
party may present evidence and examine witnesses appearing for and 936
against the acquiring party. A copy of the notice also shall be 937
transmitted to attorneys or other representatives of record 938
representing the acquiring party. 939

(c) The hearing shall be held at the offices of the 940
superintendent within ten calendar days, but not earlier than 941
seven calendar days, of the date of transmission of the notice of 942
hearing by any means, unless it is postponed or continued; but in 943
no event shall the hearing be held unless notice is received at 944
least three days prior to the hearing. The superintendent may 945
postpone or continue the hearing upon receipt of a written request 946
by an acquiring party, or upon the superintendent's motion, 947
provided, however, a hearing in connection with a proposed change 948
of control involving a depository institution or any affiliate 949
thereof, within the meaning of Title I, section 104(c) of the 950
"Gramm-Leach-Bliley Act," Pub. L. No. 106-102, 113 Stat. 1338 951
(1999), and a domestic insurer, may be postponed or continued only 952
upon the request of an acquiring party, or upon the 953
superintendent's motion when the acquiring party agrees in writing 954
to extend the sixty-day period provided for in section 104(c) of 955
the "Gramm-Leach-Bliley Act," by a number of days equal to the 956
number of days of such postponement or continuance. 957

(d) For the purpose of conducting any hearing held under this 958
section, the superintendent may require the attendance of such 959

witnesses and the production of such books, records, and papers as
the superintendent desires, and may take the depositions of
witnesses residing within or without the state in the same manner
as is prescribed by law for the taking of depositions in civil
actions in the court of common pleas, and for that purpose the
superintendent may, and upon the request of an acquiring party
shall, issue a subpoena for any witnesses or a subpoena duces
tecum to compel the production of any books, records, or papers,
directed to the sheriff of the county where such witness resides
or is found, which shall be served and returned in the same manner
as a subpoena in a criminal case is served and returned. The fees
of the sheriff shall be the same as that allowed in the court of
common pleas in criminal cases. Witnesses shall be paid the fees
and mileage provided for under section 119.094 of the Revised
Code. Fees and mileage shall be paid from the fund in the state
treasury for the use of the superintendent in the same manner as
other expenses of the superintendent are paid. In any case of
disobedience or neglect of any subpoena served on any person or
the refusal of any witness to testify in any matter regarding
which the witness may lawfully be interrogated, the court of
common pleas of any county where such disobedience, neglect, or
refusal occurs or any judge thereof, on application by the
superintendent, shall compel obedience by attachment proceedings
for contempt, as in the case of disobedience of the requirements
of a subpoena issued from the court or a refusal to testify
therein.

In any hearing held under this section, a record of the
testimony, as provided by stenographic means or by use of audio
electronic recording devices, as determined by the superintendent,
and other evidence submitted shall be taken at the expense of the
superintendent. The record shall include all of the testimony and

other evidence, and rulings on the admissibility thereof, 991
presented at the hearing. 992

The superintendent shall pass upon the admissibility of 993
evidence, but a party to the proceedings may at that time object 994
to the rulings of the superintendent, and if the superintendent 995
refuses to admit evidence, the party offering the evidence shall 996
proffer the evidence. The proffer shall be made a part of the 997
record of the hearing. 998

In any hearing held under this section, the superintendent 999
may call any person to testify under oath as upon 1000
cross-examination. The superintendent, or any one delegated by the 1001
superintendent to conduct a hearing, may administer oaths or 1002
affirmations. 1003

In any hearing under this section, the superintendent may 1004
appoint a hearing officer to conduct the hearing; the hearing 1005
officer has the same powers and authority in conducting the 1006
hearing as is granted to the superintendent. The hearing officer 1007
shall have been admitted to the practice of law in the state and 1008
be possessed of any additional qualifications as the 1009
superintendent requires. The hearing officer shall submit to the 1010
superintendent a written report setting forth the hearing 1011
officer's finding of fact and conclusions of law and a 1012
recommendation of the action to be taken by the superintendent. A 1013
copy of the written report and recommendation shall, within seven 1014
days of the date of filing thereof, be served upon the acquiring 1015
party or the acquiring party's attorney or other representative of 1016
record, by personal service, certified mail, electronic mail, or 1017
any other method designed to ensure and confirm receipt of the 1018
report. The acquiring party may, within three days of receipt of 1019
the copy of the written report and recommendation, file with the 1020

superintendent written objections to the report and 1021
recommendation, which objections the superintendent shall consider 1022
before approving, modifying, or disapproving the recommendation. 1023
The superintendent may grant extensions of time to the acquiring 1024
party within which to file such objections. No recommendation of 1025
the hearing officer shall be approved, modified, or disapproved by 1026
the superintendent until after three days following the service of 1027
the report and recommendation as provided in this section. The 1028
superintendent may order additional testimony to be taken or 1029
permit the introduction of further documentary evidence. The 1030
superintendent may approve, modify, or disapprove the 1031
recommendation of the hearing officer, and the order of the 1032
superintendent based on the report, recommendation, transcript of 1033
testimony, and evidence, or the objections of the acquiring party, 1034
and additional testimony and evidence shall have the same effect 1035
as if the hearing had been conducted by the superintendent. No 1036
such recommendation is final until confirmed and approved by the 1037
superintendent as indicated by the order entered in the record of 1038
proceedings, and if the superintendent modifies or disapproves the 1039
recommendations of the hearing officer, the reasons for the 1040
modification or disapproval shall be included in the record of 1041
proceedings. 1042

After the order is entered, the superintendent shall transmit 1043
in the manner and by any of the methods set forth in division 1044
(F)(2)(b) of this section a certified copy of the order and a 1045
statement of the time and method by which an appeal may be 1046
perfected. A copy of the order shall be mailed to the attorneys or 1047
other representatives of record representing the acquiring party. 1048

(e) An order of disapproval issued by the superintendent may 1049
be appealed to the court of common pleas ~~of Franklin county~~ in 1050
accordance with section 119.12 of the Revised Code by filing a 1051

notice of appeal with the superintendent and a copy of the notice 1052
of appeal with the court, within fifteen calendar days after the 1053
transmittal of the copy of the order of disapproval. The notice of 1054
appeal shall set forth the order appealed from and the grounds for 1055
appeal, in accordance with section 119.12 of the Revised Code. 1056

(3) The superintendent may retain at the acquiring party's 1057
expense any attorneys, actuaries, accountants, and other experts 1058
not otherwise a part of the superintendent's staff as may be 1059
reasonably necessary to assist the superintendent in reviewing the 1060
proposed acquisition of control. 1061

(G) This section does not apply to either of the following: 1062

(1) Any transaction that is subject to section 3921.14, or 1063
sections 3925.27 to 3925.31, 3941.35 to 3941.46, or section 1064
3953.19 of the Revised Code; 1065

(2) Any offer, request, invitation, agreement, or acquisition 1066
that the superintendent by order exempts from this section on 1067
either of the following bases: 1068

(a) It has not been made or entered into for the purpose and 1069
does not have the effect of changing or influencing the control of 1070
a domestic insurer; 1071

(b) It is not otherwise comprehended within the purposes of 1072
this section. 1073

(H) Nothing in this section or in any other section of Title 1074
XXXIX of the Revised Code shall be construed to impair the 1075
authority of the attorney general to investigate or prosecute 1076
actions under any state or federal antitrust law with respect to 1077
any merger or other acquisition involving domestic insurers. 1078

(I) In connection with a proposed change of control involving 1079
a depository institution or any affiliate thereof, within the 1080

meaning of Title I, section 104(c) of the "Gramm-Leach-Bliley Act," Pub. L. No. 106-102, 113 Stat. 1338 (1999), and a domestic insurer, not later than sixty days after the date of the notification of the proposed change in control submitted pursuant to division (B)(2) of this section, the superintendent shall make any determination that the person acquiring control of the insurer shall maintain or restore the capital of the insurer to the level required by the laws and regulations of this state."

After line 60484, insert:

"**Sec. 3913.13.** Any policyholder adversely affected by an order of the superintendent of insurance pursuant to division (F) of section 3913.11 of the Revised Code, may appeal to the court of common pleas ~~of Franklin county~~ pursuant to section 119.12 of the Revised Code.

Sec. 3913.23. Any policyholder adversely affected by an order of the superintendent of insurance pursuant to division (F) of section 3913.21 of the Revised Code, may appeal to the court of common pleas ~~of Franklin county~~ pursuant to section 119.12 of the Revised Code."

In line 83577, after "(1)" strike through the balance of the line

Strike through lines 83578 through 83580

In line 83581, strike through "(2)"

In line 83584, strike through "(3)" and insert "(2)"

In line 83593, strike through "(4)" and insert "(3)"

After line 91538, insert:

"Sec. 5164.38. (A) As used in this section:	1107
(1) "Party" has the same meaning as in division (G) of section 119.01 of the Revised Code.	1108 1109
(2) "Revalidate" means to approve a medicaid provider's continued enrollment as a medicaid provider in accordance with the revalidation process established in rules authorized by section 5164.32 of the Revised Code.	1110 1111 1112 1113
(B) This section does not apply to either of the following:	1114
(1) Any action taken or decision made by the department of medicaid with respect to entering into or refusing to enter into a contract with a managed care organization pursuant to section 5167.10 of the Revised Code;	1115 1116 1117 1118
(2) Any action taken by the department under division (D)(2) of section 5124.60, division (D)(1) or (2) of section 5124.61, or sections 5165.60 to 5165.89 of the Revised Code.	1119 1120 1121
(C) Except as provided in division (E) of this section and section 5164.58 of the Revised Code, the department shall do any of the following by issuing an order pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code:	1122 1123 1124 1125
(1) Refuse to enter into a provider agreement with a medicaid provider;	1126 1127
(2) Refuse to revalidate a medicaid provider's provider agreement;	1128 1129
(3) Suspend or terminate a medicaid provider's provider agreement;	1130 1131
(4) Take any action based upon a final fiscal audit of a medicaid provider.	1132 1133
(D) Any party who is adversely affected by the issuance of an	1134

adjudication order under division (C) of this section may appeal 1135
to the court of common pleas ~~of Franklin county~~ in accordance with 1136
section 119.12 of the Revised Code. 1137

(E) The department is not required to comply with division 1138
(C)(1), (2), or (3) of this section whenever any of the following 1139
occur: 1140

(1) The terms of a provider agreement require the medicaid 1141
provider to hold a license, permit, or certificate or maintain a 1142
certification issued by an official, board, commission, 1143
department, division, bureau, or other agency of state or federal 1144
government other than the department of medicaid, and the license, 1145
permit, certificate, or certification has been denied, revoked, 1146
not renewed, suspended, or otherwise limited. 1147

(2) The terms of a provider agreement require the medicaid 1148
provider to hold a license, permit, or certificate or maintain 1149
certification issued by an official, board, commission, 1150
department, division, bureau, or other agency of state or federal 1151
government other than the department of medicaid, and the provider 1152
has not obtained the license, permit, certificate, or 1153
certification. 1154

(3) The medicaid provider's application for a provider 1155
agreement is denied, or the provider's provider agreement is 1156
terminated or not revalidated, because of or pursuant to any of 1157
the following: 1158

(a) The termination, refusal to renew, or denial of a 1159
license, permit, certificate, or certification by an official, 1160
board, commission, department, division, bureau, or other agency 1161
of this state other than the department of medicaid, 1162
notwithstanding the fact that the provider may hold a license, 1163
permit, certificate, or certification from an official, board, 1164

commission, department, division, bureau, or other agency of 1165
another state; 1166

(b) Division (D) or (E) of section 5164.35 of the Revised 1167
Code; 1168

(c) The provider's termination, suspension, or exclusion from 1169
the medicare program or from another state's medicaid program and, 1170
in either case, the termination, suspension, or exclusion is 1171
binding on the provider's participation in the medicaid program in 1172
this state; 1173

(d) The provider's pleading guilty to or being convicted of a 1174
criminal activity materially related to either the medicare or 1175
medicaid program; 1176

(e) The provider or its owner, officer, authorized agent, 1177
associate, manager, or employee having been convicted of one of 1178
the offenses that caused the provider's provider agreement to be 1179
suspended pursuant to section 5164.36 of the Revised Code; 1180

(f) The provider's failure to provide the department the 1181
national provider identifier assigned the provider by the national 1182
provider system pursuant to 45 C.F.R. 162.408. 1183

(4) The medicaid provider's application for a provider 1184
agreement is denied, or the provider's provider agreement is 1185
terminated or suspended, as a result of action by the United 1186
States department of health and human services and that action is 1187
binding on the provider's medicaid participation. 1188

(5) The medicaid provider's provider agreement and medicaid 1189
payments to the provider are suspended under section 5164.36 or 1190
5164.37 of the Revised Code. 1191

(6) The medicaid provider's application for a provider 1192
agreement is denied because the provider's application was not 1193

complete;	1194
(7) The medicaid provider's provider agreement is converted	1195
under section 5164.32 of the Revised Code from a provider	1196
agreement that is not time-limited to a provider agreement that is	1197
time-limited.	1198
(8) Unless the medicaid provider is a nursing facility or	1199
ICF/IID, the provider's provider agreement is not revalidated	1200
pursuant to division (B)(1) of section 5164.32 of the Revised	1201
Code.	1202
(9) The medicaid provider's provider agreement is suspended,	1203
terminated, or not revalidated because of either of the following:	1204
(a) Any reason authorized or required by one or more of the	1205
following: 42 C.F.R. 455.106, 455.23, 455.416, 455.434, or	1206
455.450;	1207
(b) The provider has not billed or otherwise submitted a	1208
medicaid claim for two years or longer.	1209
(F) In the case of a medicaid provider described in division	1210
(E)(3)(f), (6), (7), or (9)(b) of this section, the department may	1211
take its action by sending a notice explaining the action to the	1212
provider. The notice shall be sent to the medicaid provider's	1213
address on record with the department. The notice may be sent by	1214
regular mail.	1215
(G) The department may withhold payments for medicaid	1216
services rendered by a medicaid provider during the pendency of	1217
proceedings initiated under division (C)(1), (2), or (3) of this	1218
section. If the proceedings are initiated under division (C)(4) of	1219
this section, the department may withhold payments only to the	1220
extent that they equal amounts determined in a final fiscal audit	1221
as being due the state. This division does not apply if the	1222

department fails to comply with section 119.07 of the Revised
Code, requests a continuance of the hearing, or does not issue a
decision within thirty days after the hearing is completed. This
division does not apply to nursing facilities and ICFs/IID."

In line 108766, after "107.63," insert "109.02,"

In line 108776, after "124.15," insert "124.34,"

In line 108797, after "955.011," insert "956.11, 956.15,"

In line 108840, after "3775.07," insert "3794.09,"

In line 108844, after "3901.071," insert "3901.321,"; after
"3905.471," insert "3913.13, 3913.23,"

In line 108884, after "5164.36," insert "5164.38,"

After line 235518, insert:

"Section 701.____. (A) All cases that are pending in the Tenth
District Court of Appeals on the effective date of this section
and that were appropriately filed in that court shall be
adjudicated by the Tenth District Court of Appeals. All cases
that, prior to the effective date of this section, would have been
solely within the jurisdiction on appeal of the Tenth District
Court of Appeals, and that on the effective date of this section
are pending in a common pleas court that is an appropriate venue
and are not pending in the Tenth District Court of Appeals, shall
be adjudicated by that court of common pleas and shall remain
solely within the jurisdiction on appeal of the Tenth District
Court of Appeals, on and after the effective date of this section.

(B) If, on or after the effective date of this section, a
court of appeals other than the Tenth District Court of Appeals or
a court of common pleas within the territory of a court of appeals
other than the Tenth District Court of Appeals is considering any

matter that, prior to the effective date of this section, would 1251
 have been solely within the jurisdiction on appeal of the Tenth 1252
 District Court of Appeals, all of the following apply: 1253

(1) The court of appeals or court of common pleas considering 1254
 the matter may consider judicial decisions of the Franklin County 1255
 Court of Common Pleas and the Tenth District Court of Appeals that 1256
 were decided prior to the effective date of this section in 1257
 deciding the matter. 1258

(2) The judicial decisions of the Franklin County Court of 1259
 Common Pleas and the Tenth District Court of Appeals that were 1260
 decided prior to the effective date of this section are not 1261
 binding on the court of appeals or court of common pleas 1262
 considering the matter. 1263

(3) The court of appeals or court of common pleas considering 1264
 the matter is not required to issue any findings of fact 1265
 explaining why the court, in deciding the matter, did not consider 1266
 or follow any precedent on the matter set forth in any judicial 1267
 decision of the Franklin County Court of Common Pleas or the Tenth 1268
 District Court of Appeals." 1269

The motion was _____ agreed to.

SYNOPSIS

Appeals of administrative orders 1270

R.C. 119.12, 124.34, 956.11, 956.15, 3794.09, 3901.321, 1271
3913.13, 3913.23, 5101.35, and 5164.38 and Section 701.____ 1272

Restructures and modifies the current Administrative 1273
 Procedure Act provisions regarding appeals by a party adversely 1274

affected by an order of an agency by:	1275
- Retaining current law that specifies that, subject to the provisions described below, an appeal from an order of an agency issued pursuant to an adjudication denying an applicant admission to an examination, denying the issuance or renewal of a license or registration of a licensee, revoking or suspending a license, or allowing the payment of a forfeiture must be filed in the county in which the place of business of the licensee is located or the county in which the licensee is a resident.	1276 1277 1278 1279 1280 1281 1282 1283
- Retaining and modifying current law that requires that appeals of orders of specified agencies must be to the Franklin County Court of Common Pleas or, as added, the county in which the place of business of the licensee is located or in which the licensee is a resident.	1284 1285 1286 1287 1288
- Retaining and modifying current law that requires, instead of permits, appeals from orders of the State Fire Marshal be to the court of common pleas of the county in which the aggrieved person's building is located.	1289 1290 1291 1292
- Retaining current law pertaining to appeals from a decision of the State Personnel Board of Review or a municipal or civil service township civil service commission.	1293 1294 1295
- Requiring, instead of permitting as under current law, that appeals from specified administrative orders by any party who is not a resident of and has no place of business in Ohio must be to the Franklin County Court of Common Pleas.	1296 1297 1298 1299
- Retaining and modifying current law providing that any party adversely affected by any agency order issued pursuant to any other adjudication may appeal to the Franklin County Court of Common Pleas or, as added, the county in which the business of the	1300 1301 1302 1303

party is located or in which the party is a resident.	1304
Modifies specific statutes governing adjudication orders of specified agencies to replace current provisions regarding appeals of the orders to the Franklin County Court of Common Pleas, the Environmental Division of the Franklin County Municipal Court, or the court of the county in which an appointing authority resides, with the amendment's venue provisions.	1305 1306 1307 1308 1309 1310
Provides special court procedures regarding the consideration and determination of:	1311 1312
- Cases that, prior to the amendment's effective date, would have been solely within the jurisdiction on appeal of the 10th District Court of Appeals, and that on that date are pending in a common pleas court and are not pending in the 10th District.	1313 1314 1315 1316
- Matters that, on or after the amendment's effective date, are being considered by a court of appeals other than the 10th District or a common pleas court within the territory of a court of appeals other than the 10th District and that, prior to that date, would have been solely within the jurisdiction on appeal of the 10th District.	1317 1318 1319 1320 1321 1322
No claim preclusion in zoning appeals	1323
R.C. 303.65, 519.26, and 713.16	1324
Provides that a final judgment on the merits by a court pursuant to its power of review of administrative orders on claims brought under the law regarding county rural zoning or the renewal of slums and blighted areas in a county, the Township Zoning Law, or the law regarding municipal zoning, regional and county planning commissions, or interstate regional planning commissions does not preclude later claims for damages.	1325 1326 1327 1328 1329 1330 1331
States that the General Assembly intends that the above	1332

provisions in the respective laws be construed to override the	1333
federal Sixth Circuit Court of Appeals decision in the case of	1334
<i>Lavon Moore v. Hiram Twp.</i> , 988 F.3d 353 (6th Cir. 2021).	1335
State involvement in legal actions	1336
R.C. 101.55, 107.13, and 109.02	1337
Specifies that the General Assembly and each chamber may	1338
intervene as a matter of right at any time in any civil action or	1339
proceeding in state or federal court that involves a challenge to	1340
the validity, applicability, or constitutionality of the Ohio	1341
Constitution or the laws of Ohio.	1342
Creates exceptions to the law that requires the Attorney	1343
General to represent a state agency in any legal action.	1344
Allows the Speaker of the House and the Senate President to	1345
retain their own legal counsel to represent the House, the Senate,	1346
or the General Assembly, as applicable.	1347
Allows the Governor to retain separate legal counsel in any	1348
matter, action, or proceeding the Governor deems to be necessary	1349
and proper to protect the interests of the Office of the Governor.	1350

_____ moved to amend as follows:

1 Delete lines 232586 through 232591

2 The motion was _____ agreed to.

3 SYNOPSIS

4 **Department of Veterans Services**

5 **Section 415.10**

6 Removes the earmark of \$100,000 in GRF ALI 900408,
7 Department of Veterans Services, to be distributed in each
8 fiscal year to Save a Warrior.

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 103 of the title, after "3775.07," insert "3794.03," 1

In line 702, after "3775.07," insert "3794.03," 2

After line 59315, insert: 3

"**Sec. 3794.03.** Areas where smoking is not regulated by this 4
chapter. 5

The following shall be exempt from the provisions of this 6
chapter: 7

(A) Private residences, except during the hours of operation 8
as a child care or adult care facility for compensation, during 9
the hours of operation as a business by a person other than a 10
person residing in the private residence, or during the hours of 11
operation as a business, when employees of the business, who are 12
not residents of the private residence or are not related to the 13
owner, are present. 14

(B) Rooms for sleeping in hotels, motels and other lodging 15
facilities designated as smoking rooms; provided, however, that 16
not more than twenty per cent of sleeping rooms may be so 17
designated. 18

(C) Family-owned and operated places of employment in which 19
all employees are related to the owner, but only if the enclosed 20

21 areas of the place of employment are not open to the public, are
22 in a freestanding structure occupied solely by the place of
23 employment, and smoke from the place of employment does not
24 migrate into an enclosed area where smoking is prohibited under
25 the provisions of this chapter.

26 (D) Any nursing home, as defined in division (A) of section
27 3721.10 of the Revised Code, but only to the extent necessary to
28 comply with division (A)(18) of section 3721.13 of the Revised
29 Code. If indoor smoking area is provided by a nursing home for
30 residents of the nursing home, the designated indoor smoking area
31 shall be separately enclosed and separately ventilated so that
32 tobacco smoke does not enter, through entrances, windows,
33 ventilation systems, or other means, any areas where smoking is
34 otherwise prohibited under this chapter. Only residents of the
35 nursing home may utilize the designated indoor smoking area for
36 smoking. A nursing home may designate specific times when the
37 indoor smoking area may be used for such purpose. No employee of a
38 nursing home shall be required to accompany a resident into a
39 designated indoor smoking area or perform services in such area
40 when being used for smoking.

41 ~~(E)~~(E)(1) Retail tobacco stores in operation prior to
42 December 7, 2006. The retail tobacco store shall annually file
43 with the department of health by the thirty-first day of January
44 an affidavit stating the percentage of its gross income during the
45 prior calendar year that was derived from the sale of cigars,
46 cigarettes, pipes, or other smoking devices for smoking tobacco
47 and related smoking accessories. ~~Any~~

48 (2) Any retail tobacco store that begins operation after
49 December 7, 2006, or any existing retail tobacco store that
50 relocates to another location after December 7, 2006, may only

qualify for ~~this~~ the exemption authorized by division (E) of this section if located in a freestanding structure occupied solely by the business and smoke from the business does not migrate into an enclosed area where smoking is prohibited under the provisions of this chapter.

(3) A change of ownership of a retail tobacco store in operation prior to December 7, 2006, does not, in itself, constitute the beginning of a new operation or the relocation of an existing operation for the purposes of division (E)(2) of this section and does not, in itself, necessitate that the retail tobacco store relocate to a freestanding structure, as described in that division, in order to retain an exemption from the provisions of this chapter.

(F) Outdoor patios. All outdoor patios shall be physically separated from an enclosed area. If windows or doors form any part of the partition between an enclosed area and the outdoor patio, the openings shall be closed to prevent the migration of smoke into the enclosed area. If windows or doors do not prevent the migration of smoke into the enclosed area, the outdoor patio shall be considered an extension of the enclosed area and subject to the prohibitions of this chapter.

(G) Private clubs as defined in division (B)(13) of section 4301.01 of the Revised Code, provided all of the following apply: the club has no employees; the club is organized as a not-for-profit entity; only members of the club are present in the club's building; no persons under the age of eighteen are present in the club's building; the club is located in a freestanding structure occupied solely by the club; smoke from the club does not migrate into an enclosed area where smoking is prohibited under the provisions of this chapter; and, if the club serves alcohol, it holds a valid D4 liquor permit.

(H) An enclosed space in a laboratory facility at an 82
 accredited college or university, when used solely and exclusively 83
 for clinical research activities by a person, organization, or 84
 other entity conducting institutional review board-approved 85
 scientific or medical research related to the health effects of 86
 smoking or the use of tobacco products. The enclosed space shall 87
 not be open to the public and shall be designed to minimize 88
 exposure of nonsmokers to smoke. The program administrator shall 89
 annually file a notice of new research with the department of 90
 health on a form prescribed by the department. 91

(I) A retail vapor store, insofar as the provisions of this 92
 chapter apply to smoking via vapor products and electronic smoking 93
 devices. The provisions of this chapter apply to retail vapor 94
 stores with regard to all other forms of smoking. The retail vapor 95
 store shall annually file with the department of health by the 96
 thirty-first day of January an affidavit stating the percentage of 97
 its gross income during the prior calendar year that was derived 98
 from the sale of vapor products, electronic smoking devices, or 99
 other electronic smoking product accessories." 100

In line 108840, after "3775.07," insert "3794.03," 101

The motion was _____ agreed to.

SYNOPSIS

Retail tobacco stores 102

R.C. 3794.03 103

Specifies that a change in ownership of a retail tobacco 104
 store established before December 7, 2006, does not interfere with 105

the store's continuing exemption from the Smoke-Free Workplace Law 106
and, therefore, does not require the store to relocate to a 107
freestanding structure in order to retain the exemption. 108

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

- In line 64 of the title, after "3313.33," insert "3313.48," 1
- In line 79 of the title, after "3327.01," insert "3327.016," 2
- In line 673, after "3313.33," insert "3313.48," 3
- In line 684, after "3327.01," insert "3327.016," 4
- After line 38187, insert: 5

"**Sec. 3313.48.** (A) The board of education of each city, 6
 exempted village, local, and joint vocational school district 7
 shall provide for the free education of the youth of school age 8
 within the district under its jurisdiction, at such places as will 9
 be most convenient for the attendance of the largest number 10
 thereof. Each school so provided and each chartered nonpublic 11
 school shall be open for instruction with pupils in attendance, 12
 including scheduled classes, supervised activities, and approved 13
 education options but excluding lunch and breakfast periods and 14
 extracurricular activities, for not less than four hundred 15
 fifty-five hours in the case of pupils in kindergarten unless such 16
 pupils are provided all-day kindergarten, as defined in section 17
 3321.05 of the Revised Code, in which case the pupils shall be in 18
 attendance for nine hundred ten hours; nine hundred ten hours in 19
 the case of pupils in grades one through six; and one thousand one 20

hours in the case of pupils in grades seven through twelve in each 21
school year, which may include all of the following: 22

(1) Up to the equivalent of two school days per year during 23
which pupils would otherwise be in attendance but are not required 24
to attend for the purpose of individualized parent-teacher 25
conferences and reporting periods; 26

(2) Up to the equivalent of two school days per year during 27
which pupils would otherwise be in attendance but are not required 28
to attend for professional meetings of teachers; 29

(3) Morning and afternoon recess periods of not more than 30
fifteen minutes duration per period for pupils in grades 31
kindergarten through six. 32

(B) Not later than thirty days prior to adopting a school 33
calendar, the board of education of each city, exempted village, 34
and local school district shall hold a public hearing on the 35
school calendar, addressing topics that include, but are not 36
limited to, the total number of hours in a school year, length of 37
school day, and beginning and end dates of instruction. 38

(C) No school operated by a city, exempted village, local, or 39
joint vocational school district shall reduce the number of hours 40
in each school year that the school is scheduled to be open for 41
instruction from the number of hours per year the school was open 42
for instruction during the previous school year unless the 43
reduction is approved by a resolution adopted by the district 44
board of education. Any reduction so approved shall not result in 45
fewer hours of instruction per school year than the applicable 46
number of hours required under division (A) of this section. 47

~~(D) Prior to making any change in the hours or days in which 48
a high school under its jurisdiction is open for instruction, the 49
board of education of each city, exempted village, and local 50~~

~~school district shall consider the compatibility of the proposed 51
change with the scheduling needs of any joint vocational school 52
district in which any of the high school's students are also 53
enrolled. The board shall consider the impact of the proposed 54
change on student access to the instructional programs offered by 55
the joint vocational school district, incentives for students to 56
participate in career technical education, transportation, and the 57
timing of graduation. The board shall provide the joint vocational 58
school district board with advance notice of the proposed change 59
and the two boards shall enter into a written agreement 60
prescribing reasonable accommodations to meet the scheduling needs 61
of the joint vocational school district prior to implementation of 62
the change. 63~~

~~(E) Subject to section 3327.016 of the Revised Code, prior to 64
making any change in the hours or days in which a school under its 65
jurisdiction is open for instruction, the board of education of 66
each city, exempted village, and local school district shall 67
consider the compatibility of the proposed change with the 68
scheduling needs of any community school established under Chapter 69
3314. of the Revised Code to which the district is required to 70
transport students under sections 3314.09 and 3327.01 of the 71
Revised Code. The board shall consider the impact of the proposed 72
change on student access to the instructional programs offered by 73
the community school, transportation, and the timing of 74
graduation. The board shall provide the sponsor, governing 75
authority, and operator of the community school with advance 76
notice of the proposed change, and the board and the governing 77
authority, or operator if such authority is delegated to the 78
operator, shall enter into a written agreement prescribing 79
reasonable accommodations to meet the scheduling needs of the 80
community school prior to implementation of the change. 81~~

~~(F) Subject to section 3327.016 of the Revised Code, prior to making any change in the hours or days in which the schools under its jurisdiction are open for instruction, the board of education of each city, exempted village, and local school district shall consult with the chartered nonpublic schools to which the district is required to transport students under section 3327.01 of the Revised Code and shall consider the effect of the proposed change on the schedule for transportation of those students to their nonpublic schools. The governing authority of a chartered nonpublic school shall consult with each school district board of education that transports students to the chartered nonpublic school under section 3327.01 of the Revised Code prior to making any change in the hours or days in which the nonpublic school is open for instruction. Subject to section 3327.016 of the Revised Code, the board of each city, exempted village, and local school district shall not make any changes in the hours or days in which the schools under its jurisdiction are open for instruction unless the school district receives approval from each joint vocational school district, community school, and chartered nonpublic school to which the district is required to transport students under section 3314.09 or 3327.01 of the Revised Code. If a community or chartered nonpublic school has students that receive transportation from different districts, the school district providing transportation to the greatest number of students enrolled at the community or chartered nonpublic school shall be responsible for coordinating school hours or days with the other school districts.~~

~~(G)(E)~~ The state board of education shall not adopt or enforce any rule or standard that imposes on chartered nonpublic schools the procedural requirements imposed on school districts by divisions (B), (C), and (D), ~~and (E)~~ of this section."

After line 47306, insert: 113

"**Sec. 3327.016.** (A) As used in this section, "eligible 114
student" means a student entitled to transportation services from 115
the city, local, or exempted village school district pursuant to 116
section 3327.01 of the Revised Code. 117

(B) Each community school established under Chapter 3314. of 118
the Revised Code or chartered nonpublic school shall ~~establish the~~ 119
~~school's start and end times for a particular school year not~~ 120
~~later than the first day of April prior to that school year. Each~~ 121
~~community or chartered nonpublic school shall provide such start~~ 122
~~and end times to each city, local, or exempted village school~~ 123
~~district that the school expects will be responsible for providing~~ 124
~~transportation services to eligible students enrolled in the~~ 125
~~school for that school year~~ do all of the following: 126

(1) Not later than the first day of April of each year, 127
establish the school's start and end times for the upcoming school 128
year and provide such times to each city, local, or exempted 129
village school district that the school expects will be 130
responsible to provide transportation services for its students; 131

(2) Not later than the first day of April of each year, 132
provide the school's contact names, telephone numbers, and 133
electronic mail addresses for the summer and upcoming school year 134
and the home addresses of enrolled students to each city, local, 135
or exempted village school district that the school expects will 136
be responsible to provide transportation services for its 137
students; 138

(3) Not later than the first day of May each year, provide 139
lists of students requiring transportation services to the 140
appropriate school districts; 141

(4) Not later than the first day of July of each year, 142
provide updated lists of students requiring transportation 143
services to the appropriate school districts; 144

(5) Not later than the first day of September of each year, 145
provide updated lists of students requiring transportation 146
services to the appropriate school districts; 147

(6) On the first day of September, December, March, and June, 148
or within ten days of a new student enrolling in the school, 149
provide updated lists of students requiring transportation to the 150
appropriate school districts. 151

(C) Each city, local, or exempted village school district 152
that receives start and end times as prescribed under division (B) 153
of this section shall use those start and end times to develop a 154
transportation plan, including transportation routes and 155
schedules, for eligible students who enrolled in a community or 156
chartered nonpublic school and shall provide such transportation 157
plan to the community or chartered nonpublic school ~~within sixty~~ 158
~~days after receiving the information described in that division~~ 159
not later than the first day of August of each year. If a school 160
provides the start and end times to the school district after the 161
first day of April but before the first day of July, the district 162
shall attempt to provide a transportation plan to the school by 163
the first day of August of that school year. For any eligible 164
student who enrolls in a community or chartered nonpublic school 165
after the first day of July prior to that school year, a district 166
shall develop a transportation plan, including transportation 167
routes and schedules, for that student within fourteen business 168
days of receiving a request for transportation services from the 169
student's parent or guardian." 170

After line 47386, insert: 171

"Beginning with requests for mediation received after December 1, 2023, the department shall take initial action on the mediation within thirty days of receiving the request. The department may delay the initial action to within forty-five days of receiving a request if the department notifies all affected parties in advance of the delay."

After line 47490, insert:

"Beginning with disputes regarding determinations of school district noncompliance with transportation obligations arising after December 1, 2023, the department shall issue a determination within thirty days of receiving notice of the dispute. The department may delay a determination to within forty-five days of receiving a dispute notice if the department notifies all affected parties in advance that the determination will be delayed."

In line 108811, after "3313.33," insert "3313.48,"

In line 108822, after "3327.01," insert "3327.016,"

After line 225711, insert:

"Section 265.____. Not later than December 1, 2023, the Department of Education and Workforce shall process and resolve any disputes regarding declarations of impracticality to provide transportation under section 3327.02 or determinations regarding transportation noncompliance under section 3327.021 of the Revised Code that are pending on the effective date of this section."

The motion was _____ agreed to.

SYNOPSIS

School district schedule	195
R.C. 3313.48	196
Eliminates requirements for a city, local, or exempted	197
village school district to consider, notify, and consult with each	198
joint vocational school district (JVSD), community school, and	199
chartered nonpublic school whose students the district transports	200
when the district changes its school schedule.	201
Prohibits a city, local, or exempted village school district	202
from changing its school schedule, unless it receives approval to	203
do so from each JVSD, community school, and chartered nonpublic	204
school whose students the district transports.	205
Requires a school district providing transportation to the	206
greatest number of students at a community or chartered nonpublic	207
school to coordinate school hours with the different districts	208
transporting that school's students.	209
Transportation communication schedule	210
R.C. 3327.016	211
Requires each community school and chartered nonpublic school	212
to do all of the following:	213
-By April 1st of each year, establish the school day start	214
and end times for the upcoming school year and provide such times	215
to each school district expected to be responsible for providing	216
transportation services to the school's students;	217
-By April 1st of each year, provide the school's contact	218
names, phone numbers, and email addresses for the summer and	219
upcoming school year and the home addresses of enrolled students	220
to each school district expected to be responsible for providing	221
transportation services to the school's students; and	222

-Send lists of students requiring school district	223
transportation to the appropriate school districts on the first	224
day of May, July, September, December, March, and June.	225
Requires each school district that receives the school day	226
start and end times from a community school or chartered nonpublic	227
school to provide the school district's transportation routes and	228
schedules to those schools by August 1st of each year.	229
Transportation dispute resolution timeline	230
R.C. 3327.02 and 3327.021	231
Requires the Department of Education and Workforce to resolve	232
any disputes over determinations regarding transportation	233
noncompliance received after December 1, 2023, within 30 days of	234
receiving notice of the dispute, or within 45 days if the	235
Department notifies all affected parties in advance that the	236
determination will be delayed.	237
Requires the Department to take initial action on mediation	238
regarding declarations of impracticality to provide transportation	239
received after December 1, 2023, within 30 days of receiving the	240
request for mediation, or within 45 days if the Department	241
notifies all affected parties in advance of the delay.	242
Deadline and additional staff to resolve pending	243
transportation disputes	244
Section 265.____	245
Requires the Department of Education and Workforce, by	246
December 1, 2023, to process and resolve any disputes that are	247
pending on the bill's effective date regarding:	248
(1) Declarations of impracticality to provide transportation;	249
and	250

(2) Determinations regarding school district noncompliance	251
with transportation obligations.	252

_____ moved to amend as follows:

1 In line 231289, delete the second "the"

2 In line 231290, delete "program" and insert "programs";
3 after "County" insert "and at Midview High School JROTC in
4 Grafton"

5 The motion was _____ agreed to.

6 SYNOPSIS

7 **Department of Higher Education**

8 **Section 381.410**

9 Adds the unmanned aviation STEM pilot program at Midview
10 High School JROTC in Grafton to the one in Clark County (already
11 in the current version of the bill) as programs receiving funds
12 from the earmark for \$250,000 in each fiscal year from GRF ALI
13 235533, Program and Project Support.

_____ moved to amend as follows:

1 After line 226389, insert:

2 "Of the foregoing appropriation item 440672, Youth
3 Homelessness, \$900,000 in each fiscal year shall be distributed
4 to the Star House for its Drop-In Centers and its Carol Stewart
5 Village, or its other expansion projects, to provide services
6 for homeless youth."

7 In line 228472, delete "\$2,325,000 \$750,000" and insert
8 "\$2,675,000 \$1,100,000"

9 In line 228474, add \$350,000 to each fiscal year

10 In line 228509, add \$350,000 to each fiscal year

11 After line 228984, insert:

12 "Of the foregoing appropriation item 336519, Community
13 Projects, \$350,000 in each fiscal year shall be distributed to
14 the Star House for its Drop-In Centers and its Carol Stewart
15 Village, or its other expansion projects, to provide services
16 for homeless youth."

17 The motion was _____ agreed to.

18

SYNOPSIS

19

Department of Health

20

Section 291.20

21

Earmarks \$900,000 in each fiscal year in GRF ALI 440672, Youth Homelessness, for the Star House for its Drop-In Centers and its Carol Stewart Village, or its other expansion projects, to provide services for homeless youth.

25

Department of Mental Health and Addiction Services

26

Sections 337.10 and 337.105

27

Increases GRF ALI 336519, Community Projects, by \$350,000 in each fiscal year. Earmarks these funds for the Star House for its Drop-In Centers and its Carol Stewart Village, or its other expansion projects, to provide services for homeless youth.

28

29

30

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

- Strike through lines 24441 and 24442 1
- In line 24443, strike through "withholding and tax" 2
- In line 24447, strike through "and the" 3
- Strike through lines 24448 and 24449 4
- In line 24450, strike through "tax" 5
- In line 24455, strike through "Any amount not included in
wages because the amount" 6
7
- Strike through lines 24456 through 24462 8
- In line 24463, strike through "(c)" 9
- In line 24465, strike through "(R)(2)(c)" and insert
"(R)(2)(b)" 10
11
- In line 24467, strike through "(d)" and insert "(c)" 12
- In line 24470, strike through "(e)" and insert "(d)" 13
- In line 24473, strike through "(f)" and insert "(e)" 14
- In line 24860, strike through "and if the employee is not
required" 15
16
- Strike through lines 24861 through 24864 17
- In line 24865, strike through "portion of its net profit," 18

In line 25691, strike through ", and if the employee is not required" 19
 20

Strike through lines 25692 through 25695 21

In line 25696, strike through "portion of its net profit" 22

After line 235894 insert: 23

"The amendment by this act of division (R) of section 718.01, 24
 division (G) of section 718.02, and division (F) of section 718.82 25
 of the Revised Code applies to taxable years beginning on or after 26
 January 1, 2024. In accordance with division (A) of section 718.04 27
 of the Revised Code, each municipal corporation that levies a tax 28
 on income shall adopt an ordinance or resolution incorporating 29
 that amendment and applying it to taxable years beginning on or 30
 after January 1, 2024." 31

The motion was _____ agreed to.

SYNOPSIS

**Municipal income tax: exemptions for stock options and 32
 deferred compensation 33**

R.C. 718.01(R), 718.02(G), and 718.82(F); Section 803.10 34

Exempts stock option and nonqualified deferred compensation 35
 income from municipal income tax levied by any municipality. 36
 Current law authorizes only certain municipalities to grant such 37
 an exemption. 38

_____ moved to amend as follows:

1 After line 228471a, insert:

2 "GRF 336516 Appalachian Children Coalition \$1,250,000
3 \$1,250,000"

4 In line 228474, add \$1,250,000 to each fiscal year

5 In line 228509, add \$1,250,000 to each fiscal year

6 After line 228979, insert:

7 **"Section 337.103. APPALACHIAN CHILDREN COALITION**

8 The foregoing appropriation item 336516, Appalachian
9 Children Coalition, shall be provided to the Appalachian
10 Children Coalition to address systemic challenges children face
11 in Appalachian Ohio. The Coalition shall use the funds as
12 follows:

13 (A) \$500,000 in each fiscal year shall be used to provide
14 funding for training, hiring, and retention of entry-level child
15 mental and behavioral health workers in school and health
16 provider settings;

17 (B) \$500,000 in each fiscal year shall be used to provide
18 funding for research and facilitation of a publicly accessible
19 database of child wellbeing indicators as well as provide

20 capacity to child-serving entities in the region by way of grant
21 writing support, community assessments, and mental and
22 behavioral health workforce mapping;

23 (C) \$125,000 in each fiscal year shall be used to enhance
24 child mental health outcomes, promote implementation of whole-
25 child models of care, and to expand the mental health workforce
26 in the region; and

27 (D) \$125,000 in each fiscal year shall be used to provide
28 funding for prevention programming in the areas of teen suicide,
29 substance misuse, human trafficking, bullying, and child abuse
30 and neglect in the region."

31 The motion was _____ agreed to.

32 SYNOPSIS

33 **Department of Mental Health and Addiction Services**

34 **Sections 337.10 and 337.____**

35 Appropriates \$1,250,000 in each fiscal year in GRF ALI
36 336516, Appalachian Children Coalition. Requires these funds to
37 be provided to the Appalachian Children Coalition to address
38 systemic challenges children face in Appalachian Ohio and used
39 as follows: (1) \$500,000 in each fiscal year to provide funding
40 for training, hiring, and retention of entry-level child mental
41 and behavioral health workers in school and health provider
42 settings, (2) \$500,000 in each fiscal year to provide funding
43 for research and facilitation of a publicly accessible database
44 of child wellbeing indicators as well as provide capacity to
45 child-serving entities in the region, (3) \$125,000 in each
46 fiscal year to enhance child mental health outcomes, promote
47 implementation of whole-child models of care, and to expand the

SC2613

48 mental health workforce in the region, and (4) \$125,000 in each
49 fiscal year to provide funding for prevention programming in the
50 areas of teen suicide, substance misuse, human trafficking,
51 bullying, and child abuse and neglect in the region.

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 74 of the title, after "3319.291," insert "3319.316,
3319.391," 1
2

In line 79 of the title, after "3327.02," insert "3327.10," 3

In line 265 of the title, after "3319.26," insert "3327.10," 4

In line 681, after "3319.291," insert "3319.316, 3319.391," 5

In line 684, after "3327.021," insert "3327.10," 6

After line 46529, insert: 7

"**Sec. 3319.316.** ~~The department of education, on behalf of the~~ 8
state board of education, shall be a participating public office 9
for purposes of the retained applicant fingerprint database 10
established under section 109.5721 of the Revised Code and shall 11
receive notification from the bureau of criminal identification 12
and investigation of the arrest or conviction of the following 13
persons: 14

(A) Persons to whom the state board has issued a license, as 15
defined in section 3319.31 of the Revised Code; 16

(B) On behalf of employers described in section 3319.391 or 17
3327.10 of the Revised Code, persons who are not required to hold 18
a license issued by the state board, including persons who operate 19

a school bus or motor van. Notwithstanding anything to the 20
contrary in division (E) of section 109.5721 of the Revised Code, 21
the state board is authorized to and promptly shall transmit any 22
notification received regarding a person under this division to 23
the person's employer. 24

Sec. 3319.391. This section applies to any person hired by a 25
school district, educational service center, or chartered 26
nonpublic school and any contractor or person hired by a 27
contractor engaged in providing services to a school district, 28
educational service center, or chartered nonpublic school in any 29
position that does not require a "license" issued by the state 30
board of education, as defined in section 3319.31 of the Revised 31
Code, or a registration issued by the state board of education 32
under Chapter 3319. of the Revised Code, and is not for the 33
operation of a vehicle for pupil transportation. This section does 34
not apply to any person who volunteers at a school building within 35
a district, educational service center, or chartered nonpublic 36
school, including a parent volunteer in a student's classroom. 37

~~(A)~~(A)(1) For each person to whom this section applies who is 38
hired on or after November 14, 2007, the employer shall request a 39
criminal records check in accordance with section 3319.39 of the 40
Revised Code and shall request a subsequent criminal records check 41
by the fifth day of September every fifth year thereafter. ~~For~~ 42

(2) ~~For~~ each person to whom this ~~division~~ section applies who 43
is hired prior to November 14, 2007, the employer shall request a 44
criminal records check by a date prescribed by the ~~department of~~ 45
~~education~~ state board and shall request a subsequent criminal 46
records check by the fifth day of September every fifth year 47
thereafter. 48

(3) If, on the effective date of this amendment, the most 49
recent criminal records check requested for a person under 50
division (A)(1) or (2) of this section was completed more than one 51
year prior to that date or does not include information gathered 52
pursuant to division (A) of section 109.57 of the Revised Code, 53
the employer shall request a new criminal records check that 54
includes information gathered pursuant to division (A) of section 55
109.57 of the Revised Code by a date prescribed by the state board 56
and shall request a subsequent criminal records check by the fifth 57
day of September every fifth year thereafter. 58

(B)(1) Each request for a criminal records check under this 59
section shall be made to the superintendent of the bureau of 60
criminal identification and investigation in the manner prescribed 61
in section 3319.39 of the Revised Code, except that if both of the 62
following conditions apply to the person subject to the records 63
check, the employer shall request the superintendent only to 64
obtain any criminal records that the federal bureau of 65
investigation has on the person: 66

(a) The employer previously requested the superintendent to 67
determine whether the bureau of criminal identification and 68
investigation has any information, gathered pursuant to division 69
(A) of section 109.57 of the Revised Code, on the person in 70
conjunction with a criminal records check requested under section 71
3319.39 of the Revised Code or under this section. 72

(b) The person presents proof that the person has been a 73
resident of this state for the five-year period immediately prior 74
to the date upon which the person becomes subject to a criminal 75
records check under this section. 76

(2) Upon receipt of a request under division (B)(1) of this 77
section, the superintendent of the bureau of criminal 78

identification and investigation shall conduct the criminal 79
records check in accordance with section 109.572 of the Revised 80
Code as if the request had been made under section 3319.39 of the 81
Revised Code. However, as specified in division (B)(2) of section 82
109.572 of the Revised Code, if the employer requests the 83
superintendent only to obtain any criminal records that the 84
federal bureau of investigation has on the person for whom the 85
request is made, the superintendent shall not conduct the review 86
prescribed by division (B)(1) of that section. 87

(C) Notwithstanding division (D) of section 3319.39 of the 88
Revised Code, the bureau of criminal identification and 89
investigation shall make the initial criminal records check of a 90
person requested by an employer under division (A) of this section 91
on or after the effective date of this amendment available to the 92
state board. The state board shall use the information received to 93
enroll the person in the retained applicant fingerprint database, 94
established under section 109.5721 of the Revised Code, in the 95
same manner as any teacher licensed under sections 3319.22 to 96
3319.31 of the Revised Code. If the state board is unable to 97
enroll the person in the retained applicant fingerprint database 98
because the person has not satisfied the requirements for 99
enrollment, the state board shall notify the employer that the 100
person has not satisfied the requirements for enrollment. However, 101
the bureau shall not be required to make available to the state 102
board the criminal records check of any person who is already 103
enrolled in the retained applicant fingerprint database on the 104
date the person's employer requests a records check of the person 105
under division (A) of this section. 106

If the state board receives notification of the arrest, 107
guilty plea, or conviction of a person who is subject to this 108
section, the state board shall promptly notify the employing 109

school district, chartered nonpublic school, or educational service center in accordance with division (B) of section 3319.316 of the Revised Code. 110
111
112

(D) Any person who is the subject of a criminal records check under this section and has been convicted of or pleaded guilty to any offense described in division (B)(1) of section 3319.39 of the Revised Code shall not be hired or shall be released from employment, as applicable, unless the person meets the rehabilitation standards adopted by the ~~department~~ state board under division (E) of that section." 113
114
115
116
117
118
119

After line 47490, insert: 120

"**Sec. 3327.10.** (A) No person shall be employed as driver of a school bus or motor van, owned and operated by any school district or educational service center or privately owned and operated under contract with any school district or service center in this state, who has not received a certificate from either the educational service center governing board that has entered into an agreement with the school district under section 3313.843 or 3313.845 of the Revised Code or the superintendent of the school district, certifying that such person is at least eighteen years of age and is qualified physically and otherwise for such position. The service center governing board or the superintendent, as the case may be, shall provide for an annual physical examination that conforms with rules adopted by the state board of education of each driver to ascertain the driver's physical fitness for such employment. The examination shall be performed by one of the following: 121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136

(1) A person licensed under Chapter 4731. or 4734. of the Revised Code or by another state to practice medicine and surgery, 137
138

osteopathic medicine and surgery, or chiropractic; 139

(2) A physician assistant; 140

(3) A certified nurse practitioner; 141

(4) A clinical nurse specialist; 142

(5) A certified nurse-midwife; 143

(6) A medical examiner who is listed on the national registry 144
of certified medical examiners established by the federal motor 145
carrier safety administration in accordance with 49 C.F.R. part 146
390. 147

Any certificate may be revoked by the authority granting the 148
same on proof that the holder has been guilty of failing to comply 149
with division (D)(1) of this section, or upon a conviction or a 150
guilty plea for a violation, or any other action, that results in 151
a loss or suspension of driving rights. Failure to comply with 152
such division may be cause for disciplinary action or termination 153
of employment under division (C) of section 3319.081, or section 154
124.34 of the Revised Code. 155

(B) No person shall be employed as driver of a school bus or 156
motor van not subject to the rules of the department of education 157
pursuant to division (A) of this section who has not received a 158
certificate from the school administrator or contractor certifying 159
that such person is at least eighteen years of age and is 160
qualified physically and otherwise for such position. Each driver 161
shall have an annual physical examination which conforms to the 162
state highway patrol rules, ascertaining the driver's physical 163
fitness for such employment. The examination shall be performed by 164
one of the following: 165

(1) A person licensed under Chapter 4731. or 4734. of the 166
Revised Code or by another state to practice medicine and surgery, 167

osteopathic medicine and surgery, or chiropractic;	168
(2) A physician assistant;	169
(3) A certified nurse practitioner;	170
(4) A clinical nurse specialist;	171
(5) A certified nurse-midwife;	172
(6) A medical examiner who is listed on the national registry	173
of certified medical examiners established by the federal motor	174
carrier safety administration in accordance with 49 C.F.R. part	175
390.	176
Any written documentation of the physical examination shall	177
be completed by the individual who performed the examination.	178
Any certificate may be revoked by the authority granting the	179
same on proof that the holder has been guilty of failing to comply	180
with division (D)(2) of this section.	181
(C) Any person who drives a school bus or motor van must give	182
satisfactory and sufficient bond except a driver who is an	183
employee of a school district and who drives a bus or motor van	184
owned by the school district.	185
(D) No person employed as driver of a school bus or motor van	186
under this section who is convicted of a traffic violation or who	187
has had the person's commercial driver's license suspended shall	188
drive a school bus or motor van until the person has filed a	189
written notice of the conviction or suspension, as follows:	190
(1) If the person is employed under division (A) of this	191
section, the person shall file the notice with the superintendent,	192
or a person designated by the superintendent, of the school	193
district for which the person drives a school bus or motor van as	194
an employee or drives a privately owned and operated school bus or	195

motor van under contract. 196

(2) If employed under division (B) of this section, the 197
 person shall file the notice with the employing school 198
 administrator or contractor, or a person designated by the 199
 administrator or contractor. 200

(E) In addition to resulting in possible revocation of a 201
 certificate as authorized by divisions (A) and (B) of this 202
 section, violation of division (D) of this section is a minor 203
 misdemeanor. 204

(F)(1) Not later than thirty days after June 30, 2007, each 205
 owner of a school bus or motor van shall obtain the complete 206
 driving record for each person who is currently employed or 207
 otherwise authorized to drive the school bus or motor van. An 208
 owner of a school bus or motor van shall not permit a person to 209
 operate the school bus or motor van for the first time before the 210
 owner has obtained the person's complete driving record. 211
 Thereafter, the owner of a school bus or motor van shall obtain 212
 the person's driving record not less frequently than semiannually 213
 if the person remains employed or otherwise authorized to drive 214
 the school bus or motor van. An owner of a school bus or motor van 215
 shall not permit a person to resume operating a school bus or 216
 motor van, after an interruption of one year or longer, before the 217
 owner has obtained the person's complete driving record. 218

(2) The owner of a school bus or motor van shall not permit a 219
 person to operate the school bus or motor van for ten years after 220
 the date on which the person pleads guilty to or is convicted of a 221
 violation of section 4511.19 of the Revised Code or a 222
 substantially equivalent municipal ordinance. 223

(3) An owner of a school bus or motor van shall not permit 224
 any person to operate such a vehicle unless the person meets all 225

other requirements contained in rules adopted by the state board 226
of education prescribing qualifications of drivers of school buses 227
and other student transportation. 228

(G) No superintendent of a school district, educational 229
service center, community school, or public or private employer 230
shall permit the operation of a vehicle used for pupil 231
transportation within this state by an individual unless both of 232
the following apply: 233

(1) Information pertaining to that driver has been submitted 234
to the department of education, pursuant to procedures adopted by 235
that department. Information to be reported shall include the name 236
of the employer or school district, name of the driver, driver 237
license number, date of birth, date of hire, status of physical 238
evaluation, and status of training. 239

(2) The most recent criminal records check required by 240
division (J) of this section has been completed and received by 241
the superintendent or public or private employer. 242

(H) A person, school district, educational service center, 243
community school, nonpublic school, or other public or nonpublic 244
entity that owns a school bus or motor van, or that contracts with 245
another entity to operate a school bus or motor van, may impose 246
more stringent restrictions on drivers than those prescribed in 247
this section, in any other section of the Revised Code, and in 248
rules adopted by the state board. 249

(I) For qualified drivers who, on July 1, 2007, are employed 250
by the owner of a school bus or motor van to drive the school bus 251
or motor van, any instance in which the driver was convicted of or 252
pleaded guilty to a violation of section 4511.19 of the Revised 253
Code or a substantially equivalent municipal ordinance prior to 254
two years prior to July 1, 2007, shall not be considered a 255

disqualifying event with respect to division (F) of this section. 256

(J)(1) This division applies to persons hired by a school 257
district, educational service center, community school, chartered 258
nonpublic school, or science, technology, engineering, and 259
mathematics school established under Chapter 3326. of the Revised 260
Code to operate a vehicle used for pupil transportation. 261

(a) For each person to whom this division applies who is 262
hired on or after November 14, 2007, the employer shall request a 263
criminal records check in accordance with section 3319.39 of the 264
Revised Code and every six years thereafter. ~~For~~ 265

(b) For each person to whom this division applies who is 266
hired prior to ~~that date~~ November 14, 2007, the employer shall 267
request a criminal records check by a date prescribed by the 268
department of education and every six years thereafter. 269

(c) If, on the effective date of this amendment, the most 270
recent criminal records check requested for a person to whom 271
division (J)(1) of this section applies was completed more than 272
one year prior to that date or does not include information 273
gathered pursuant to division (A) of section 109.57 of the Revised 274
Code, the employer shall request a new criminal records check that 275
includes information gathered pursuant to division (A) of section 276
109.57 of the Revised Code by a date prescribed by the state board 277
of education and every six years thereafter. 278

(2) This division applies to persons hired by a public or 279
private employer not described in division (J)(1) of this section 280
to operate a vehicle used for pupil transportation. 281

(a) For each person to whom this division applies who is 282
hired on or after November 14, 2007, the employer shall request a 283
criminal records check prior to the person's hiring and every six 284

years thereafter. ~~For~~ 285

(b) For each person to whom this division applies who is 286
hired prior to ~~that date~~ November 14, 2007, the employer shall 287
request a criminal records check by a date prescribed by the 288
department and every six years thereafter. 289

(c) If, on the effective date of this amendment, the most 290
recent criminal records check requested for a person to whom 291
division (J)(2) of this section applies was completed more than 292
one year prior to that date or does not include information 293
gathered pursuant to division (A) of section 109.57 of the Revised 294
Code, the employer shall request a new criminal records check that 295
includes information gathered pursuant to division (A) of section 296
109.57 of the Revised Code by a date prescribed by the state board 297
and every six years thereafter. 298

(3) Each request for a criminal records check under division 299
(J) of this section shall be made to the superintendent of the 300
bureau of criminal identification and investigation in the manner 301
prescribed in section 3319.39 of the Revised Code, except that if 302
both of the following conditions apply to the person subject to 303
the records check, the employer shall request the superintendent 304
only to obtain any criminal records that the federal bureau of 305
investigation has on the person: 306

(a) The employer previously requested the superintendent to 307
determine whether the bureau of criminal identification and 308
investigation has any information, gathered pursuant to division 309
(A) of section 109.57 of the Revised Code, on the person in 310
conjunction with a criminal records check requested under section 311
3319.39 of the Revised Code or under division (J) of this section. 312

(b) The person presents proof that the person has been a 313
resident of this state for the five-year period immediately prior 314

to the date upon which the person becomes subject to a criminal
records check under this section.

Upon receipt of a request, the superintendent shall conduct
the criminal records check in accordance with section 109.572 of
the Revised Code as if the request had been made under section
3319.39 of the Revised Code. However, as specified in division
(B)(2) of section 109.572 of the Revised Code, if the employer
requests the superintendent only to obtain any criminal records
that the federal bureau of investigation has on the person for
whom the request is made, the superintendent shall not conduct the
review prescribed by division (B)(1) of that section.

(4) Notwithstanding anything in the Revised Code to the
contrary, the bureau of criminal identification and investigation
shall make the initial criminal records check requested of a
person by an employer under division (J)(1) or (2) of this section
on or after the effective date of this amendment available to the
state board of education. The state board shall use the
information received to enroll the person in the retained
applicant fingerprint database, established under section 109.5721
of the Revised Code, in the same manner as any teacher licensed
under sections 3319.22 to 3319.31 of the Revised Code. If the
state board is unable to enroll the person in the retained
applicant fingerprint database because the person has not
satisfied the requirements for enrollment, the state board shall
notify the employer that the person has not satisfied the
requirements for enrollment. However, the bureau shall not be
required to make available to the state board the criminal records
check of any person who is already enrolled in the retained
applicant fingerprint database on the date the person's employer
requests a records check of the person under division (J)(1) or
(2) of this section.

If the state board receives notification of the arrest, 346
guilty plea, or conviction of a person who is subject to this 347
section, the state board shall promptly notify the person's 348
employer in accordance with division (B) of section 3319.316 of 349
the Revised Code. 350

(K)(1) Until the effective date of the amendments to rule 351
 3301-83-23 of the Ohio Administrative Code required by the second 352
 paragraph of division (E) of section 3319.39 of the Revised Code, 353
 any person who is the subject of a criminal records check under 354
 division (J) of this section and has been convicted of or pleaded 355
 guilty to any offense described in division (B)(1) of section 356
 3319.39 of the Revised Code shall not be hired or shall be 357
 released from employment, as applicable, unless the person meets 358
 the rehabilitation standards prescribed for nonlicensed school 359
 personnel by rule 3301-20-03 of the Ohio Administrative Code. 360

(2) Beginning on the effective date of the amendments to rule 361
 3301-83-23 of the Ohio Administrative Code required by the second 362
 paragraph of division (E) of section 3319.39 of the Revised Code, 363
 any person who is the subject of a criminal records check under 364
 division (J) of this section and has been convicted of or pleaded 365
 guilty to any offense that, under the rule, disqualifies a person 366
 for employment to operate a vehicle used for pupil transportation 367
 shall not be hired or shall be released from employment, as 368
 applicable, unless the person meets the rehabilitation standards 369
 prescribed by the rule." 370

In line 108819, after "3319.291," insert "3319.316, 371
 3319.391," 372

In line 108822, after "3327.021," insert "3327.10," 373

In line 109694, after "3319.26," insert "3327.10," 374

After line 111006, insert: 375

"**Sec. 3327.10.** (A) Except as provided in division (L) of this 376
 section, no person shall be employed as driver of a school bus or 377
 motor van, owned and operated by any school district or 378
 educational service center or privately owned and operated under 379
 contract with any school district or service center in this state, 380
 who has not received a certificate from either the educational 381
 service center governing board that has entered into an agreement 382
 with the school district under section 3313.843 or 3313.845 of the 383
 Revised Code or the superintendent of the school district, 384
 certifying that such person is at least eighteen years of age and 385
 is qualified physically and otherwise for such position. The 386
 service center governing board or the superintendent, as the case 387
 may be, shall provide for an annual physical examination that 388
 conforms with rules adopted by the state board of education of 389
 each driver to ascertain the driver's physical fitness for such 390
 employment. The examination shall be performed by one of the 391
 following: 392

(1) A person licensed under Chapter 4731. or 4734. of the 393
 Revised Code or by another state to practice medicine and surgery, 394
 osteopathic medicine and surgery, or chiropractic; 395

(2) A physician assistant; 396

(3) A certified nurse practitioner; 397

(4) A clinical nurse specialist; 398

(5) A certified nurse-midwife; 399

(6) A medical examiner who is listed on the national registry 400
 of certified medical examiners established by the federal motor 401
 carrier safety administration in accordance with 49 C.F.R. part 402

390.

403

Any certificate may be revoked by the authority granting the
same on proof that the holder has been guilty of failing to comply
with division (D)(1) of this section, or upon a conviction or a
guilty plea for a violation, or any other action, that results in
a loss or suspension of driving rights. Failure to comply with
such division may be cause for disciplinary action or termination
of employment under division (C) of section 3319.081, or section
124.34 of the Revised Code.

404

405

406

407

408

409

410

411

(B) Except as provided in division (L) of this section, no
person shall be employed as driver of a school bus or motor van
not subject to the rules of the department of education pursuant
to division (A) of this section who has not received a certificate
from the school administrator or contractor certifying that such
person is at least eighteen years of age and is qualified
physically and otherwise for such position. Each driver shall have
an annual physical examination which conforms to the state highway
patrol rules, ascertaining the driver's physical fitness for such
employment. The examination shall be performed by one of the
following:

412

413

414

415

416

417

418

419

420

421

422

(1) A person licensed under Chapter 4731. or 4734. of the
Revised Code or by another state to practice medicine and surgery,
osteopathic medicine and surgery, or chiropractic;

423

424

425

(2) A physician assistant;

426

(3) A certified nurse practitioner;

427

(4) A clinical nurse specialist;

428

(5) A certified nurse-midwife;

429

(6) A medical examiner who is listed on the national registry
of certified medical examiners established by the federal motor

430

431

carrier safety administration in accordance with 49 C.F.R. part 432
390. 433

Any written documentation of the physical examination shall 434
be completed by the individual who performed the examination. 435

Any certificate may be revoked by the authority granting the 436
same on proof that the holder has been guilty of failing to comply 437
with division (D)(2) of this section. 438

(C) Any person who drives a school bus or motor van must give 439
satisfactory and sufficient bond except a driver who is an 440
employee of a school district and who drives a bus or motor van 441
owned by the school district. 442

(D) No person employed as driver of a school bus or motor van 443
under this section who is convicted of a traffic violation or who 444
has had the person's commercial driver's license suspended shall 445
drive a school bus or motor van until the person has filed a 446
written notice of the conviction or suspension, as follows: 447

(1) If the person is employed under division (A) of this 448
section, the person shall file the notice with the superintendent, 449
or a person designated by the superintendent, of the school 450
district for which the person drives a school bus or motor van as 451
an employee or drives a privately owned and operated school bus or 452
motor van under contract. 453

(2) If employed under division (B) of this section, the 454
person shall file the notice with the employing school 455
administrator or contractor, or a person designated by the 456
administrator or contractor. 457

(E) In addition to resulting in possible revocation of a 458
certificate as authorized by divisions (A) and (B) of this 459
section, violation of division (D) of this section is a minor 460

misdemeanor. 461

(F)(1) Not later than thirty days after June 30, 2007, each 462
owner of a school bus or motor van shall obtain the complete 463
driving record for each person who is currently employed or 464
otherwise authorized to drive the school bus or motor van. An 465
owner of a school bus or motor van shall not permit a person to 466
operate the school bus or motor van for the first time before the 467
owner has obtained the person's complete driving record. 468
Thereafter, the owner of a school bus or motor van shall obtain 469
the person's driving record not less frequently than semiannually 470
if the person remains employed or otherwise authorized to drive 471
the school bus or motor van. An owner of a school bus or motor van 472
shall not permit a person to resume operating a school bus or 473
motor van, after an interruption of one year or longer, before the 474
owner has obtained the person's complete driving record. 475

(2) The owner of a school bus or motor van shall not permit a 476
person to operate the school bus or motor van for ten years after 477
the date on which the person pleads guilty to or is convicted of a 478
violation of section 4511.19 of the Revised Code or a 479
substantially equivalent municipal ordinance. 480

(3) An owner of a school bus or motor van shall not permit 481
any person to operate such a vehicle unless the person meets all 482
other requirements contained in rules adopted by the state board 483
of education prescribing qualifications of drivers of school buses 484
and other student transportation. 485

(G) No superintendent of a school district, educational 486
service center, community school, or public or private employer 487
shall permit the operation of a vehicle used for pupil 488
transportation within this state by an individual unless both of 489
the following apply: 490

(1) Information pertaining to that driver has been submitted 491
to the department of education, pursuant to procedures adopted by 492
that department. Information to be reported shall include the name 493
of the employer or school district, name of the driver, driver 494
license number, date of birth, date of hire, status of physical 495
evaluation, and status of training. 496

(2) The most recent criminal records check required by 497
division (J) of this section has been completed and received by 498
the superintendent or public or private employer. 499

(H) A person, school district, educational service center, 500
community school, nonpublic school, or other public or nonpublic 501
entity that owns a school bus or motor van, or that contracts with 502
another entity to operate a school bus or motor van, may impose 503
more stringent restrictions on drivers than those prescribed in 504
this section, in any other section of the Revised Code, and in 505
rules adopted by the state board. 506

(I) For qualified drivers who, on July 1, 2007, are employed 507
by the owner of a school bus or motor van to drive the school bus 508
or motor van, any instance in which the driver was convicted of or 509
pleaded guilty to a violation of section 4511.19 of the Revised 510
Code or a substantially equivalent municipal ordinance prior to 511
two years prior to July 1, 2007, shall not be considered a 512
disqualifying event with respect to division (F) of this section. 513

(J)(1) This division applies to persons hired by a school 514
district, educational service center, community school, chartered 515
nonpublic school, or science, technology, engineering, and 516
mathematics school established under Chapter 3326. of the Revised 517
Code to operate a vehicle used for pupil transportation. 518

(a) For each person to whom this division applies who is 519
hired on or after November 14, 2007, the employer shall request a 520

criminal records check in accordance with section 3319.39 of the Revised Code and every six years thereafter. ~~For~~

(b) For each person to whom this division applies who is hired prior to ~~that date~~ November 14, 2007, the employer shall request a criminal records check by a date prescribed by the department of education and every six years thereafter.

(c) If, on the effective date of this amendment, the most recent criminal records check requested for a person to whom division (J)(1) of this section applies was completed more than one year prior to that date or does not include information gathered pursuant to division (A) of section 109.57 of the Revised Code, the employer shall request a new criminal records check that includes information gathered pursuant to division (A) of section 109.57 of the Revised Code by a date prescribed by the state board of education and every six years thereafter.

(2) This division applies to persons hired by a public or private employer not described in division (J)(1) of this section to operate a vehicle used for pupil transportation.

(a) For each person to whom this division applies who is hired on or after November 14, 2007, the employer shall request a criminal records check prior to the person's hiring and every six years thereafter.

(b) For each person to whom this division applies who is hired prior to ~~that date~~ November 14, 2007, the employer shall request a criminal records check by a date prescribed by the department and every six years thereafter.

(c) If, on the effective date of this amendment, the most recent criminal records check requested for a person to whom division (J)(2) of this section applies was completed more than one year prior to that date or does not include information

gathered pursuant to division (A) of section 109.57 of the Revised Code, the employer shall request a new criminal records check that includes information gathered pursuant to division (A) of section 109.57 of the Revised Code by a date prescribed by the state board and every six years thereafter.

551
552
553
554
555

(3) Each request for a criminal records check under division (J) of this section shall be made to the superintendent of the bureau of criminal identification and investigation in the manner prescribed in section 3319.39 of the Revised Code, except that if both of the following conditions apply to the person subject to the records check, the employer shall request the superintendent only to obtain any criminal records that the federal bureau of investigation has on the person:

556
557
558
559
560
561
562
563

(a) The employer previously requested the superintendent to determine whether the bureau of criminal identification and investigation has any information, gathered pursuant to division (A) of section 109.57 of the Revised Code, on the person in conjunction with a criminal records check requested under section 3319.39 of the Revised Code or under division (J) of this section.

564
565
566
567
568
569

(b) The person presents proof that the person has been a resident of this state for the five-year period immediately prior to the date upon which the person becomes subject to a criminal records check under this section.

570
571
572
573

Upon receipt of a request, the superintendent shall conduct the criminal records check in accordance with section 109.572 of the Revised Code as if the request had been made under section 3319.39 of the Revised Code. However, as specified in division (B)(2) of section 109.572 of the Revised Code, if the employer requests the superintendent only to obtain any criminal records that the federal bureau of investigation has on the person for

574
575
576
577
578
579
580

whom the request is made, the superintendent shall not conduct the review prescribed by division (B)(1) of that section.

(4) Notwithstanding anything in the Revised Code to the contrary, the bureau of criminal identification and investigation shall make the initial criminal records check requested of a person by an employer under division (J)(1) or (2) of this section on or after the effective date of this amendment available to the state board of education. The state board shall use the information received to enroll the person in the retained applicant fingerprint database, established under section 109.5721 of the Revised Code, in the same manner as any teacher licensed under sections 3319.22 to 3319.31 of the Revised Code. If the state board is unable to enroll the person in the retained applicant fingerprint database because the person has not satisfied the requirements for enrollment, the state board shall notify the employer that the person has not satisfied the requirements for enrollment. However, the bureau shall not be required to make available to the state board the criminal records check of any person who is already enrolled in the retained applicant fingerprint database on the date the person's employer requests a records check of the person under division (J)(1) or (2) of this section.

If the state board receives notification of the arrest, guilty plea, or conviction of a person who is subject to this section, the state board shall promptly notify the person's employer in accordance with division (B) of section 3319.316 of the Revised Code.

(K)(1) Until the effective date of the amendments to rule 3301-83-23 of the Ohio Administrative Code required by the second paragraph of division (E) of section 3319.39 of the Revised Code,

any person who is the subject of a criminal records check under 611
division (J) of this section and has been convicted of or pleaded 612
guilty to any offense described in division (B)(1) of section 613
3319.39 of the Revised Code shall not be hired or shall be 614
released from employment, as applicable, unless the person meets 615
the rehabilitation standards prescribed for nonlicensed school 616
personnel by rule 3301-20-03 of the Ohio Administrative Code. 617

(2) Beginning on the effective date of the amendments to rule 618
3301-83-23 of the Ohio Administrative Code required by the second 619
paragraph of division (E) of section 3319.39 of the Revised Code, 620
any person who is the subject of a criminal records check under 621
division (J) of this section and has been convicted of or pleaded 622
guilty to any offense that, under the rule, disqualifies a person 623
for employment to operate a vehicle used for pupil transportation 624
shall not be hired or shall be released from employment, as 625
applicable, unless the person meets the rehabilitation standards 626
prescribed by the rule. 627

(L) The superintendent of a school district or an educational 628
service center governing board shall issue a certificate as a 629
driver of a school bus or motor van or a certificate to operate a 630
vehicle used for pupil transportation in accordance with Chapter 631
4796. of the Revised Code to an applicant if either of the 632
following applies: 633

(1) The applicant holds a certificate in another state. 634

(2) The applicant has satisfactory work experience, a 635
government certification, or a private certification as described 636
in that chapter as a school bus or motor van driver or a pupil 637
transportation vehicle operator in a state that does not issue one 638
or both of those certificates." 639

In line 112644, after "3319.26," insert "3327.10," 640

In line 223784, delete "\$14,386,000 \$14,700,000" and insert 641
"\$15,086,000 \$15,300,000" 642

In line 223785, add \$700,000 to fiscal year 2024 and \$600,000 643
to fiscal year 2025 644

In line 223786, add \$700,000 to fiscal year 2024 and \$600,000 645
to fiscal year 2025 646

After line 223792, insert: 647

"Of the foregoing appropriation item 210600, Operating 648
Expenses, up to \$700,000 in fiscal year 2024 shall be used to 649
upgrade the State Board of Education's licensure system to be able 650
to interface with the retained applicant fingerprint database." 651

The motion was _____ agreed to.

SYNOPSIS

Rapback for nonlicensed school employees 652

R.C. 3319.316, 3319.391, and 3327.10 653

Requires the State Board of Education (rather than the 654
Department of Education on behalf of the State Board) to enroll 655
all nonlicensed school employees and contractors, including bus 656
drivers, in the Retained Applicant Fingerprint Database (RAPBACK). 657

Specifically excludes volunteers from the requirements 658
related to criminal background checks and RAPBACK. 659

Requires the State Board to notify the appropriate school 660
district, chartered nonpublic school, or educational service upon 661
receipt of a notification of an arrest, guilty plea or conviction 662
of a nonlicensed employee. 663

Requires any nonlicensed employee whose most recent criminal records check is older than one year or does not include certain information to complete a new records check by a date to be prescribed by the State Board.

664
665
666
667

State Board of Education

668

Section 263.10

669

Increases Fund 4L20 210600, Operating Expenses, by \$700,000 in FY 2024 and \$600,000 in FY 2025 and earmarks \$700,000 in FY 2024 from that ALI to upgrade the State Board's licensure system to be able to interface with RAPBACK.

670
671
672
673

_____ moved to amend as follows:

1 In line 69052, delete "all" and insert "both"

2 In line 69059, delete the underlined semicolon and insert
3 ".
4

5 (G) A school district or the governing authority of a
6 chartered nonpublic school or community school that uses a
7 vehicle originally designed for not more than nine passengers,
8 not including the driver, in accordance with division (E) or (F)
9 of this section, shall ensure that all of the following apply to
10 the operation of that vehicle:

11 (1) A qualified mechanic inspects the vehicle not fewer
12 than two times each year and determines that it is safe for
13 pupil transportation;

14 (2) The driver of the vehicle does not stop on the roadway
15 to load or unload passengers;"

16 In line 69063, after "education" insert "and workforce"

17 In line 69067, after "students" insert ";

18 (4) The driver and all passengers in the vehicle comply
19 with the requirements of sections 4511.81 and 4513.263 of the
Revised Code, as applicable"

20 In line 69068, delete "(G)" and insert "(H)"

21 In line 69072, delete "(H)" and insert "(I)"

22 The motion was _____ agreed to.

23 SYNOPSIS

24 **Pupil transportation - safety requirements**

25 **R.C. 4511.76**

26 Expressly requires the following safety measures, in
27 addition to the general requirements for school drivers,
28 whenever a nine-passenger or less vehicle is used for pupil
29 transportation (for either a school district, charter nonpublic
30 school, or community school):

31 1. A qualified mechanic inspects the vehicle at least twice
32 a year to determine that it is safe for pupil transportation;

33 2. The driver of the vehicle does not stop on the roadway
34 to load or unload passengers; and

35 3. The driver and all passengers in the vehicle comply with
36 the seat belt and child restraint system laws.

_____ moved to amend as follows:

1 In line 43326, after "\$1,751" insert ", for fiscal year
2 2024, and \$2,395 for fiscal year 2025"

3 In line 43330, after "\$4,442" insert ", for fiscal year
4 2024, and \$5,280 for fiscal year 2025"

5 In line 43334, after "\$10,673" insert ", for fiscal year
6 2024, and \$11,960 for fiscal year 2025"

7 In line 43338, after "\$14,243" insert ", for fiscal year
8 2024, and \$15,787 for fiscal year 2025"

9 In line 43342, after "\$19,290" insert ", for fiscal year
10 2024, and \$21,197 for fiscal year 2025"

11 In line 43346, after "\$28,438" insert ", for fiscal year
12 2024, and \$30,469 for fiscal year 2025"

13 In line 43347, after "\$30,000" insert ", for fiscal year
14 2024, and \$32,445 for fiscal year 2025"

15 In line 223831, delete "\$7,942,497,000" and insert
16 "\$7,951,497,000"

17 In line 223838, add \$9,000,000 to fiscal year 2025

18 In line 223889, add \$9,000,000 to fiscal year 2025

19 The motion was _____ agreed to.

20

SYNOPSIS

21

Jon Peterson Special Needs Scholarship amounts

22

R.C. 3317.022

23

24

25

26

Increases the category amounts for the Jon Peterson Special Needs Scholarship Program for FY 2025 (maintains the increased amounts for FY 2024 from the As Passed by the House version of the bill).

27

28

Increases the maximum scholarship award (capped amount) for FY 2025 from \$30,000 to \$32,445.

29

Department of Education and Workforce

30

Section 265.10

31

32

Increases GRF ALI 200550, Foundation Funding - All Students, by \$9,000,000 in FY 2025.

_____ moved to amend as follows:

1 In line 103498, after "means" insert ", for authorizing
2 legislation adopted by the legislative authority of an eligible
3 municipal corporation,"; delete "an" and insert "that"

4 In line 103499, delete "eligible"

5 In line 103500, after "or" insert ", for authorizing
6 legislation adopted by the legislative authority of an eligible
7 county,"; delete "an eligible" and insert "that"

8 In line 103540, after "the" insert "applicable"; delete
9 "taxes" and insert "tax"

10 In line 103550, after "designated" insert "by the
11 legislative authority of an eligible county or eligible
12 municipal corporation"

13 In line 103580, after "legislation" insert "or, if
14 applicable, to the issuing authority or agent designated under
15 division (F) of this section"

16 After line 103645, insert:

17 "(H) The adoption of authorizing legislation under this
18 section for a hotel in which lodging has not been furnished to
19 transient guests prior to the adoption of the legislation shall

20 not be considered to be a diminution of the rate of taxation or
21 of the revenue generated by the taxes under section 5739.08 or
22 5739.09 of the Revised Code."

23 The motion was _____ agreed to.

24 SYNOPSIS

25 **Lodging tax exemption and financing: headquarters hotel**

26 **R.C. 5739.093**

27 Modifies, as follows, a provision added by the House that
28 authorizes certain counties and municipalities to designate a
29 headquarters hotel associated with a convention center and
30 divert county and municipal lodging tax revenue from that hotel
31 to fund projects related to designated hotels or associated
32 convention centers:

33 - Limits the lodging tax that may be diverted to just the
34 tax levied by the designating county or municipality.

35 - Clarifies that lodging tax diversions may be paid
36 directly to a convention facilities authority, port authority,
37 or agent thereof rather than only to the municipality or county.

38 - Prohibits the designation of a hotel which has not
39 furnished lodging to guests before its designation from being
40 considered to result in a diminution of the rate or revenue of
41 the lodging tax. (Continuing law, in some instances, prohibits
42 laws from making such a diminution if outstanding lodging tax-
43 backed bonds and notes are outstanding.)

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 148 of the title, after "4785.09," insert "4925.09," 1

In line 227 of the title, after "4517.35," insert "4925.11," 2

In line 734, after "4785.09," insert "4925.09," 3

In line 792, after "4517.35," insert "4925.11," 4

After line 83089, insert: 5

"**Sec. 4925.09.** (A)(1) The regulation of transportation 6
network companies, transportation network company drivers, and 7
transportation network company services is a matter of general 8
statewide interest that requires statewide regulation. Chapter 9
4925. and sections 3942.01 to 3942.04 of the Revised Code 10
constitute a comprehensive plan with respect to all aspects of the 11
regulation of transportation network companies, transportation 12
network company drivers, and transportation network company 13
services. Accordingly, except as authorized in section 4925.11 of 14
the Revised Code and division (A)(2) of this section, it is the 15
intent of the general assembly to preempt any local ordinance, 16
resolution, or other law adopted to license, register, tax, or 17
otherwise regulate transportation network companies, 18
transportation network company drivers, or transportation network 19
company services. 20

(2) The operator of a public-use airport, as defined in 21
section 4563.30 of the Revised Code, may adopt reasonable 22
standards, regulations, procedures, and fees that are applicable 23
to transportation network company services that are provided to 24
any transportation network company rider who requests service to, 25
from, or on the property of the public-use airport. A 26
transportation network company or transportation network company 27
driver shall comply with any applicable standards, regulations, or 28
procedures adopted by a public-use airport and shall pay any 29
applicable fees in a timely manner. 30

(B) With regard to the provision of transportation network 31
company services, no transportation network company or 32
transportation network company driver is subject to regulation as 33
a chauffeured limousine under section 4511.85 of the Revised Code, 34
as a taxicab or vehicle for hire, or as a for-hire motor carrier 35
under Chapters 4921. and 4923. of the Revised Code. No vehicle 36
used to provide transportation network company services shall be 37
required to register as a chauffeured limousine, taxicab or 38
vehicle for hire, commercial car, or for-hire motor carrier in 39
order to provide transportation network company services. 40

Sec. 4925.11. (A) As used in this section, "qualifying municipal corporation" means a municipal corporation with the greatest population of any other municipal corporation located in a county with a population greater than eight hundred thousand and less than one million. 41
42
43
44
45

(B) The legislative authority of a qualifying municipal corporation may, by ordinance, levy an excise tax on all or a portion of transportation network company services that are provided to transportation network company riders who begin or terminate service within the boundaries of the municipal corporation. The legislative authority shall establish all regulations necessary to provide for the administration and allocation of the tax. The regulations shall provide that, after deducting the actual costs of administering the tax, the remainder of the revenue arising from the tax shall be used for any economic development purpose of the qualifying municipal corporation, including, affordable housing, public infrastructure and facilities, residential development, mixed-use development, commercial development, land development, community facilities, and convention facilities, including hotels. The regulations shall also prescribe the time for payment of the tax and may provide for the imposition of penalties, interest, or both for late payments, provided that both of the following conditions are met: 46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63

(1) A penalty for late payment shall not exceed ten per cent of the amount of tax due. 64
65

(2) The rate at which interest accrues on a late payment shall not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. 66
67
68

(C) A transportation network company shall comply with any 69

<u>applicable standards, regulations, or procedures adopted under</u>	70
<u>this section by the qualifying municipal corporation."</u>	71

In line 108872, after "4785.09," insert "4925.09,"	72
--	----

The motion was _____ agreed to.

SYNOPSIS

Municipal ridesharing tax	73
----------------------------------	----

R.C. 4925.09 and 4925.11	74
---------------------------------	----

Authorizes the largest municipality in a county with a	75
population of between 800,000 and 1,000,000, i.e., Cincinnati, to	76
levy a tax on ridesharing services provided to passengers who	77
begin or end their ride in the municipality.	78

Requires that municipalities use revenue from the tax for	79
economic development purposes.	80

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 63 of the title, after "3301.0723," insert 1
"3302.021," 2

In line 672, after "3301.0723," insert "3302.021," 3

After line 36631, insert: 4

"**Sec. 3302.021.** (A) Not earlier than July 1, 2005, and not 5
later than July 1, 2007, the department of education shall 6
implement a value-added progress dimension for school districts 7
and buildings and shall incorporate the value-added progress 8
dimension into the report cards and performance ratings issued for 9
districts and buildings under section 3302.03 of the Revised Code. 10

The state board of education shall adopt rules, pursuant to 11
Chapter 119. of the Revised Code, for the implementation of the 12
value-added progress dimension. The rules adopted under this 13
division shall specify both of the following: 14

(1) A scale for describing the levels of academic progress in 15
reading and mathematics relative to a standard year of academic 16
growth in those subjects for each of grades three through eight; 17

(2) That the department shall maintain the confidentiality of 18
individual student test scores and individual student reports in 19
accordance with sections 3301.0711, 3301.0714, and 3319.321 of the 20

Revised Code and federal law. The department may require school districts to use a unique identifier for each student for this purpose. Individual student test scores and individual student reports shall be made available only to a student's classroom teacher and other appropriate educational personnel and to the student's parent or guardian.

21
22
23
24
25
26

(B) The department shall explore the feasibility of using the value-added gain index and effect size to improve differentiation and interpretation of the measure. If the department determines that it is feasible, the state board may update the rules adopted under division (A) of this section to implement the use of gain index and effect size. If rules are adopted under division (A) of this section that use the gain index and effect size, any prior method used to calculate letter grades or performance ratings under section 3302.03 of the Revised Code shall no longer apply. Rather, the state board shall update its rules to determine how letter grades or performance ratings for each level of performance are calculated under section 3302.03 of the Revised Code using gain index and effect size.

27
28
29
30
31
32
33
34
35
36
37
38
39

(C) The department shall use a system designed for collecting necessary data, calculating the value-added progress dimension, analyzing data, and generating reports, which system has been used previously by a nonprofit organization led by the Ohio business community for at least one year in the operation of a pilot program in cooperation with school districts to collect and report student achievement data via electronic means and to provide information to the districts regarding the academic performance of individual students, grade levels, school buildings, and the districts as a whole.

40
41
42
43
44
45
46
47
48
49

(D) The department shall not pay more than two dollars per

50

student for data analysis and reporting to implement the
value-added progress dimension in the same manner and with the
same services as under the pilot program described by division (B)
of this section. However, nothing in this section shall preclude
the department or any school district from entering into a
contract for the provision of more services at a higher fee per
student. Any data analysis conducted under this section by an
entity under contract with the department shall be completed in
accordance with timelines established by the superintendent of
public instruction.

(E) The department shall share any aggregate student data and
any calculation, analysis, or report utilizing aggregate student
data that is generated under this section with the chancellor of
the Ohio board of regents. The department shall not share
individual student test scores and individual student reports with
the chancellor.

(F) The department shall make individual student performance
data reports available to districts and schools that have an
overall score under the value-added progress dimension calculated
under division (D)(1)(d) of section 3302.03 of the Revised Code.
The reports shall include data regarding student level
percentiles, normal curve equivalents, unique identifiers, and
other data for each school year a district or school has an
overall score calculated under that division. The department also
shall make available the data used to calculate the district's or
school's overall growth rating. The reports shall be made
available in an electronic spreadsheet form, as soon as
practicable each school year, to appropriate educational personnel
in each district or school for all the individual students who are
administered assessments by, or who are enrolled in, the district
or school.

Division (F) of this section is subject to section 3319.321 82
of the Revised Code and the "Family Educational Rights and Privacy 83
Act of 1974," 20 U.S.C. 1232g." 84

In line 108810, after "3301.0723," insert "3302.021," 85

The motion was _____ agreed to.

SYNOPSIS

Individual student performance reports on value-added data 86

R.C. 3302.021 87

Requires the Department of Education and Workforce (DEW) to 88
 make individual student performance data reports available to 89
 districts and schools that have an overall value-added progress 90
 dimension score calculated on the state report card. 91

Requires the reports to include data regarding student level 92
 percentiles, normal curve equivalents, unique identifiers, and 93
 other data each school year that a district or school has an 94
 overall value-added progress dimension score calculated. 95

Requires DEW also to make available data used to calculate 96
 the district's or school's overall growth rating. 97

Requires DEW to make reports available in an electronic 98
 spreadsheet form, as soon as practicable each school year. 99

Explicitly subjects the amendment's requirements to state and 100
 federal student privacy laws. 101

_____ moved to amend as follows:

1 In line 45646, strike through "Licenses" and insert
2 "Subject to division (A) (4) of this section, licenses"

3 After line 45676, insert:

4 "(4) Notwithstanding the requirement that each license
5 issued under division (A) (1) of this section specify the grade
6 band in which the educator is licensed to teach, a school
7 district or community school may employ an educator to teach
8 outside of the designated grade band by not more than two grade
9 levels and for not more than two school years at a time. The
10 school district superintendent or governing authority of the
11 community school may renew that teacher's eligibility to teach
12 in accordance with this division on a biennial basis."

13 The motion was _____ agreed to.

14 SYNOPSIS

15 **Educators teaching outside of grade band designation**

16 **R.C. 3319.22 (A) (4)**

17 Permits a school district or community school to employ an
18 educator to teach not more than two grade levels outside of the
19 grade band designated on the educator's license for not more
20 than two school years at a time, subject to renewal.

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 63 of the title, after "3301.0723," insert "3301.52,
3301.57, 3301.58," 1
2

In line 672, after "3301.0723," insert "3301.52, 3301.57,
3301.58," 3
4

After line 36611, insert: 5

"**Sec. 3301.52.** As used in sections 3301.52 to 3301.59 of the
Revised Code: 6
7

(A) "Preschool program" means either of the following: 8

(1) A child care program for preschool children that is
operated by a school district board of education or an eligible
nonpublic school. 9
10
11

(2) A child care program for preschool children age three or
older that is operated by a county board of developmental
disabilities or a community school. 12
13
14

(B) "Preschool child" or "child" means a child who has not
entered kindergarten and is not of compulsory school age. 15
16

(C) "Parent, guardian, or custodian" means the person or
government agency that is or will be responsible for a child's
school attendance under section 3321.01 of the Revised Code. 17
18
19

(D) "Superintendent" means the superintendent of a school district or the chief administrative officer of a community school or an eligible nonpublic school.

(E) "Director" means the director, head teacher, elementary principal, or site administrator who is the individual on site and responsible for supervision of a preschool program.

(F) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children.

(G) "Nonteaching employee" means a preschool program or school child program employee whose primary responsibilities are duties other than care, teaching, and supervision of preschool children or school children.

(H) "Eligible nonpublic school" means a nonpublic school chartered as described in division (B)(7) of section 5104.02 of the Revised Code or chartered by the ~~state board~~ department of education and workforce for any combination of grades one through twelve, regardless of whether it also offers kindergarten.

(I) "School child program" means a either of the following:

(1) A child care program for only school children that is operated by a school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school;

(2) A child care program operated by an authorized private before and after school care program.

(J) "School child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above but is less than fifteen years old.

(K) "School child program staff member" means an employee 48
whose primary responsibility is the care, teaching, or supervision 49
of children in a school child program. 50

(L) "Child care" means administering to the needs of infants, 51
toddlers, preschool children, and school children outside of 52
school hours by persons other than their parents or guardians, 53
custodians, or relatives by blood, marriage, or adoption for any 54
part of the twenty-four-hour day in a place or residence other 55
than a child's own home. 56

(M) "Child day-care center" and "publicly funded child care" 57
have the same meanings as in section 5104.01 of the Revised Code. 58

(N) "Community school" means either of the following: 59

(1) A community school established under Chapter 3314. of the 60
Revised Code that is sponsored by an entity that is rated 61
"exemplary" under section 3314.016 of the Revised Code. 62

(2) A community school established under Chapter 3314. of the 63
Revised Code that has received, on its most recent report card, 64
either of the following: 65

(a) If the school offers any of grade levels four through 66
twelve, either of the following: 67

(i) A grade of "C" or better for the overall value-added 68
progress dimension under division (C)(1)(e) of section 3302.03 of 69
the Revised Code and for the performance index score under 70
division (C)(1)(b) of section 3302.03 of the Revised Code; 71

(ii) A performance rating of three stars or higher for 72
achievement under division (D)(3)(b) of section 3302.03 of the 73
Revised Code and progress under division (D)(3)(c) of that 74
section. 75

(b) If the school does not offer a grade level higher than 76
 three, either of the following: 77

(i) A grade of "C" or better for making progress in improving 78
 literacy in grades kindergarten through three under division 79
 (C)(1)(g) of section 3302.03 of the Revised Code; 80

(ii) A performance rating of three stars or higher for early 81
 literacy under division (D)(3)(e) of that section. 82

(O) "Authorized private before and after school care program" 83
means a child care program operated only for school children that 84
is all of the following: 85

(1) Operated by a nonprofit or for-profit private entity; 86

(2) Operated under a contract with a school district board of 87
education, community school, or eligible nonpublic school; (3) 88
Conducted only outside of school hours and in a building owned or 89
operated by the contracting board or school. 90

Sec. 3301.57. (A) For the purpose of improving programs, 91
 facilities, and implementation of the standards promulgated ~~by the~~ 92
~~state board of education~~ under section 3301.53 of the Revised 93
 Code, the ~~state~~ department of education and workforce shall 94
 provide consultation and technical assistance to school districts, 95
 county boards of developmental disabilities, community schools, 96
authorized private before and after school care programs, and 97
 eligible nonpublic schools operating preschool programs or school 98
 child programs, and inservice training to preschool staff members, 99
 school child program staff members, and nonteaching employees. 100

(B) The department and the school district board of 101
 education, county board of developmental disabilities, community 102
 school, or eligible nonpublic school shall jointly monitor each 103

preschool program and each school child program. 104

If the program receives any grant or other funding from the 105
state or federal government, the department annually shall monitor 106
all reports on attendance, financial support, and expenditures 107
according to provisions for use of the funds. 108

(C) The department of education and workforce, at least once 109
during every twelve-month period of operation of a preschool 110
program or a licensed school child program, shall inspect the 111
program and provide a written inspection report to the 112
superintendent of the school district, county board of 113
developmental disabilities, community school, or eligible 114
nonpublic school. The department may inspect any program more than 115
once, as considered necessary by the department, during any 116
twelve-month period of operation. All inspections may be 117
unannounced. No person shall interfere with any inspection 118
conducted pursuant to this division or to the rules adopted 119
pursuant to sections 3301.52 to 3301.59 of the Revised Code. 120

Upon receipt of any complaint that a preschool program or a 121
licensed school child program is out of compliance with the 122
requirements in sections 3301.52 to 3301.59 of the Revised Code or 123
the rules adopted under those sections, the department shall 124
investigate and may inspect the program. 125

(D) If a preschool program or a licensed school child program 126
is determined to be out of compliance with the requirements of 127
sections 3301.52 to 3301.59 of the Revised Code or the rules 128
adopted under those sections, the department of education and 129
workforce shall notify the appropriate superintendent, county 130
board of developmental disabilities, community school, authorized 131
private before and after school care program, or eligible 132
nonpublic school in writing regarding the nature of the violation, 133

what must be done to correct the violation, and by what date the 134
 correction must be made. If the correction is not made by the date 135
 established by the department, it may commence action under 136
 Chapter 119. of the Revised Code to close the program or to revoke 137
 the license of the program. If a program does not comply with an 138
 order to cease operation issued in accordance with Chapter 119. of 139
 the Revised Code, the department shall notify the attorney 140
 general, the prosecuting attorney of the county in which the 141
 program is located, or the city attorney, village solicitor, or 142
 other chief legal officer of the municipal corporation in which 143
 the program is located that the program is operating in violation 144
 of sections 3301.52 to 3301.59 of the Revised Code or the rules 145
 adopted under those sections and in violation of an order to cease 146
 operation issued in accordance with Chapter 119. of the Revised 147
 Code. Upon receipt of the notification, the attorney general, 148
 prosecuting attorney, city attorney, village solicitor, or other 149
 chief legal officer shall file a complaint in the court of common 150
 pleas of the county in which the program is located requesting the 151
 court to issue an order enjoining the program from operating. The 152
 court shall grant the requested injunctive relief upon a showing 153
 that the program named in the complaint is operating in violation 154
 of sections 3301.52 to 3301.59 of the Revised Code or the rules 155
 adopted under those sections and in violation of an order to cease 156
 operation issued in accordance with Chapter 119. of the Revised 157
 Code. 158

(E) The department of education and workforce shall prepare 159
 an annual report on inspections conducted under this section. The 160
 report shall include the number of inspections conducted, the 161
 number and types of violations found, and the steps taken to 162
 address the violations. The department shall file the report with 163
 the governor, the president and minority leader of the senate, and 164

the speaker and minority leader of the house of representatives on 165
 or before the first day of January of each year, beginning in 166
 1999. 167

Sec. 3301.58. (A) The department of education and workforce 168
 is responsible for the licensing of preschool programs and school 169
 child programs and for the enforcement of sections 3301.52 to 170
 3301.59 of the Revised Code and of any rules adopted under those 171
 sections. No school district board of education, county board of 172
 developmental disabilities, community school, or eligible 173
 nonpublic school shall operate, establish, manage, conduct, or 174
 maintain a preschool program without a license issued under this 175
 section. A school district board of education, county board of 176
 developmental disabilities, community school, authorized private 177
before and after school care program, or eligible nonpublic school 178
 may obtain a license under this section for a school child 179
 program. The school district board of education, county board of 180
 developmental disabilities, community school, or eligible 181
 nonpublic school shall post the license for each preschool program 182
 and licensed school child program it operates, establishes, 183
 manages, conducts, or maintains in a conspicuous place in the 184
 preschool program or licensed school child program that is 185
 accessible to parents, custodians, or guardians and employees and 186
 staff members of the program at all times when the program is in 187
 operation. 188

(B) Any school district board of education, county board of 189
 developmental disabilities, community school, or eligible 190
 nonpublic school that desires to operate, establish, manage, 191
 conduct, or maintain a preschool program shall apply to the 192
 department of education and workforce for a license on a form that 193
 the department shall prescribe by rule. Any school district board 194

of education, county board of developmental disabilities, 195
community school, authorized private before and after school care 196
program, or eligible nonpublic school that desires to obtain a 197
license for a school child program shall apply to the department 198
for a license on a form that the department shall prescribe by 199
rule. The department shall provide at no charge to each applicant 200
for a license under this section a copy of the requirements under 201
sections 3301.52 to 3301.59 of the Revised Code and any rules 202
adopted under those sections. The department may establish 203
application fees by rule adopted under Chapter 119. of the Revised 204
Code, and all applicants for a license shall pay any fee 205
established by the department at the time of making an application 206
for a license. All fees collected pursuant to this section shall 207
be paid into the state treasury to the credit of the general 208
revenue fund. 209

(C) Upon the filing of an application for a license, the 210
department of education and workforce shall investigate and 211
inspect the preschool program or school child program to determine 212
the license capacity for each age category of children of the 213
program and to determine whether the program complies with 214
sections 3301.52 to 3301.59 of the Revised Code and any rules 215
adopted under those sections. When, after investigation and 216
inspection, the department of education is satisfied that sections 217
3301.52 to 3301.59 of the Revised Code and any rules adopted under 218
those sections are complied with by the applicant, the department 219
of education and workforce shall issue the program a provisional 220
license as soon as practicable in the form and manner prescribed 221
by the rules of the department. The provisional license shall be 222
valid for one year from the date of issuance unless revoked. 223

(D) The department of education and workforce shall 224
investigate and inspect a preschool program or school child 225

program that has been issued a provisional license at least once 226
during operation under the provisional license. If, after the 227
investigation and inspection, the department of education and 228
workforce determines that the requirements of sections 3301.52 to 229
3301.59 of the Revised Code and any rules adopted under those 230
sections are met by the provisional licensee, the department of 231
education and workforce shall issue the program a license. The 232
license shall remain valid unless revoked or the program ceases 233
operations. 234

(E) The department of education and workforce annually shall 235
investigate and inspect each preschool program or school child 236
program licensed under division (D) of this section to determine 237
if the requirements of sections 3301.52 to 3301.59 of the Revised 238
Code and any rules adopted under those sections are met by the 239
program, and shall notify the program of the results. 240

(F) The license or provisional license shall state the name 241
of the school district board of education, county board of 242
developmental disabilities, community school, authorized private 243
before and after school care program, or eligible nonpublic school 244
that operates the preschool program or school child program and 245
the license capacity of the program. 246

(G) The department of education and workforce may revoke the 247
license of any preschool program or school child program that is 248
not in compliance with the requirements of sections 3301.52 to 249
3301.59 of the Revised Code and any rules adopted under those 250
sections. 251

(H) If the department of education and workforce revokes a 252
license, the department shall not issue a license to the program 253
within two years from the date of the revocation. All actions of 254
the department with respect to licensing preschool programs and 255

school child programs shall be in accordance with Chapter 119. of	256
the Revised Code."	257

In line 108810, after "3301.0723," insert "3301.52, 3301.57,	258
3301.58,"	259

The motion was _____ agreed to.

SYNOPSIS

Before and after school care programs - DEW licensure	260
--	-----

R.C. 3301.52, 3301.57, and 3301.58	261
---	-----

Qualifies authorized private before and after school care	262
programs for licenses under the existing school child programs	263
regulated by the Department of Education and Workforce.	264

Qualifies a child care program as an authorized private	265
before and after school care program if the program is for school	266
children only and is operated in a school building by a nonprofit	267
or for-profit private entity under contract with a school	268
district, community school, or eligible nonpublic school.	269

_____ moved to amend as follows:

1 In line 9389, strike through "provided that, for" and
2 insert ". Of the fifty million dollar total, five million
3 dollars shall be reserved for Broadway theatrical productions,
4 and forty-five million dollars may be allowed for any tax
5 credit-eligible production. For"

6 In line 9390, strike through "that" and insert "the"

7 In line 9393, after the period insert "For any fiscal year
8 in which less than five million dollars of tax credits are
9 allowed for Broadway theatrical productions, the amount of the
10 five million dollars not allowed and added to the maximum annual
11 amount for the following fiscal year shall be reserved for
12 Broadway theatrical productions in the following fiscal year."

13 In line 9400, after "dollars" insert ", two million five
14 hundred thousand dollars of which shall be reserved for Broadway
15 theatrical productions,"

16 The motion was _____ agreed to.

17

SYNOPSIS

18

Film and theater tax credits: theater reserve

19

R.C. 122.85

20

21 Reserves \$5 million of the \$50 million annual film and
22 theater tax credit (the Senate substitute bill increases the
23 annual cap from \$40 million to \$50 million) for Broadway
24 theatrical productions.

25

26 Provides that any unused amount of the \$5 million reserve
27 be carried forward to the following fiscal year's total credit
amount, as under current law's carry-forward provision, and
continue to be reserved for Broadway theatrical productions.

Sub. H.B. 33
L-135-0001-5
COMCD28

_____ moved to amend as follows:

In line 49 of the title, after "1551.35," insert "1707.01,
1707.09, 1707.091, 1707.092," 1
2

In line 662, after "1551.35," insert "1707.01, 1707.09,
1707.091, 1707.092," 3
4

After line 29315, insert: 5

"**Sec. 1707.01.** As used in this chapter: 6

(A) Whenever the context requires it, "division" or "division
of securities" may be read as "director of commerce" or as 7
"commissioner of securities." 8
9

(B) "Security" means any certificate or instrument, or any 10
oral, written, or electronic agreement, understanding, or 11
opportunity, that represents title to or interest in, or is 12
secured by any lien or charge upon, the capital, assets, profits, 13
property, or credit of any person or of any public or governmental 14
body, subdivision, or agency. It includes shares of stock, 15
certificates for shares of stock, an uncertificated security, 16
membership interests in limited liability companies, voting-trust 17
certificates, warrants and options to purchase securities, 18
subscription rights, interim receipts, interim certificates, 19

promissory notes, all forms of commercial paper, evidences of 20
indebtedness, bonds, debentures, land trust certificates, fee 21
certificates, leasehold certificates, syndicate certificates, 22
endowment certificates, interests in or under profit-sharing or 23
participation agreements, interests in or under oil, gas, or 24
mining leases, preorganization or reorganization subscriptions, 25
preorganization certificates, reorganization certificates, 26
interests in any trust or pretended trust, any investment 27
contract, any life settlement interest, any instrument evidencing 28
a promise or an agreement to pay money, warehouse receipts for 29
intoxicating liquor, and the currency of any government other than 30
those of the United States and Canada, but sections 1707.01 to 31
1707.50 of the Revised Code do not apply to the sale of real 32
estate. 33

(C)(1) "Sale" has the full meaning of "sale" as applied by or 34
accepted in courts of law or equity, and includes every 35
disposition, or attempt to dispose, of a security or of an 36
interest in a security. "Sale" also includes a contract to sell, 37
an exchange, an attempt to sell, an option of sale, a solicitation 38
of a sale, a solicitation of an offer to buy, a subscription, or 39
an offer to sell, directly or indirectly, by agent, circular, 40
pamphlet, advertisement, or otherwise. 41

(2) "Sell" means any act by which a sale is made. 42

(3) The use of advertisements, circulars, or pamphlets in 43
connection with the sale of securities in this state exclusively 44
to the purchasers specified in division (D) of section 1707.03 of 45
the Revised Code is not a sale when the advertisements, circulars, 46
and pamphlets describing and offering those securities bear a 47
readily legible legend in substance as follows: "This offer is 48
made on behalf of dealers licensed under sections 1707.01 to 49

1707.50 of the Revised Code, and is confined in this state 50
exclusively to institutional investors and licensed dealers." 51

(4) The offering of securities by any person in conjunction 52
with a licensed dealer by use of advertisement, circular, or 53
pamphlet is not a sale if that person does not otherwise attempt 54
to sell securities in this state. 55

(5) Any security given with, or as a bonus on account of, any 56
purchase of securities is conclusively presumed to constitute a 57
part of the subject of that purchase and has been "sold." 58

(6) "Sale" by an owner, pledgee, or mortgagee, or by a person 59
acting in a representative capacity, includes sale on behalf of 60
such party by an agent, including a licensed dealer or 61
salesperson. 62

(D) "Person," except as otherwise provided in this chapter, 63
means a natural person, firm, partnership, limited partnership, 64
partnership association, syndicate, joint-stock company, 65
unincorporated association, trust or trustee except where the 66
trust was created or the trustee designated by law or judicial 67
authority or by a will, and a corporation or limited liability 68
company organized under the laws of any state, any foreign 69
government, or any political subdivision of a state or foreign 70
government. 71

(E)(1) "Dealer," except as otherwise provided in this 72
chapter, means every person, other than a salesperson, who engages 73
or professes to engage, in this state, for either all or part of 74
the person's time, directly or indirectly, either in the business 75
of the sale of securities for the person's own account, or in the 76
business of the purchase or sale of securities for the account of 77
others in the reasonable expectation of receiving a commission, 78
fee, or other remuneration as a result of engaging in the purchase 79

and sale of securities. "Dealer" does not mean any of the 80
following: 81

(a) Any issuer, including any officer, director, employee, or 82
trustee of, or member or manager of, or partner in, or any general 83
partner of, any issuer, that sells, offers for sale, or does any 84
act in furtherance of the sale of a security that represents an 85
economic interest in that issuer, provided no commission, fee, or 86
other similar remuneration is paid to or received by the issuer 87
for the sale; 88

(b) Any licensed attorney, public accountant, or firm of such 89
attorneys or accountants, whose activities are incidental to the 90
practice of the attorney's, accountant's, or firm's profession; 91

(c) Any person that, for the account of others, engages in 92
the purchase or sale of securities that are issued and outstanding 93
before such purchase and sale, if a majority or more of the equity 94
interest of an issuer is sold in that transaction, and if, in the 95
case of a corporation, the securities sold in that transaction 96
represent a majority or more of the voting power of the 97
corporation in the election of directors; 98

(d) Any person that brings an issuer together with a 99
potential investor and whose compensation is not directly or 100
indirectly based on the sale of any securities by the issuer to 101
the investor; 102

(e) Any bank; 103

(f) Any person that the division of securities by rule 104
exempts from the definition of "dealer" under division (E)(1) of 105
this section. 106

(2) "Licensed dealer" means a dealer licensed under this 107
chapter. 108

(F)(1) "Salesman" or "salesperson" means every natural person, other than a dealer, who is employed, authorized, or appointed by a dealer to sell securities within this state.	109 110 111
(2) The general partners of a partnership, and the executive officers of a corporation or unincorporated association, licensed as a dealer are not salespersons within the meaning of this definition, nor are clerical or other employees of an issuer or dealer that are employed for work to which the sale of securities is secondary and incidental; but the division of securities may require a license from any such partner, executive officer, or employee if it determines that protection of the public necessitates the licensing.	112 113 114 115 116 117 118 119 120
(3) "Licensed salesperson" means a salesperson licensed under this chapter.	121 122
(G) "Issuer" means every person who has issued, proposes to issue, or issues any security.	123 124
(H) "Director" means each director or trustee of a corporation, each trustee of a trust, each general partner of a partnership, except a partnership association, each manager of a partnership association, and any person vested with managerial or directory power over an issuer not having a board of directors or trustees.	125 126 127 128 129 130
(I) "Incorporator" means any incorporator of a corporation and any organizer of, or any person participating, other than in a representative or professional capacity, in the organization of an unincorporated issuer.	131 132 133 134
(J) "Fraud," "fraudulent," "fraudulent acts," "fraudulent practices," or "fraudulent transactions" means anything recognized on or after July 22, 1929, as such in courts of law or equity; any	135 136 137

device, scheme, or artifice to defraud or to obtain money or 138
property by means of any false pretense, representation, or 139
promise; any fictitious or pretended purchase or sale of 140
securities; and any act, practice, transaction, or course of 141
business relating to the purchase or sale of securities that is 142
fraudulent or that has operated or would operate as a fraud upon 143
the seller or purchaser. 144

(K) Except as otherwise specifically provided, whenever any 145
classification or computation is based upon "par value," as 146
applied to securities without par value, the average of the 147
aggregate consideration received or to be received by the issuer 148
for each class of those securities shall be used as the basis for 149
that classification or computation. 150

(L)(1) "Intangible property" means patents, copyrights, 151
secret processes, formulas, services, good will, promotion and 152
organization fees and expenses, trademarks, trade brands, trade 153
names, licenses, franchises, any other assets treated as 154
intangible according to generally accepted accounting principles, 155
and securities, accounts receivable, or contract rights having no 156
readily determinable value. 157

(2) "Tangible property" means all property other than 158
intangible property and includes securities, accounts receivable, 159
and contract rights, when the securities, accounts receivable, or 160
contract rights have a readily determinable value. 161

(M) "Public utilities" means those utilities defined in 162
sections 4905.02, 4905.03, 4907.02, and 4907.03 of the Revised 163
Code; in the case of a foreign corporation, it means those 164
utilities defined as public utilities by the laws of its domicile; 165
and in the case of any other foreign issuer, it means those 166
utilities defined as public utilities by the laws of the situs of 167

its principal place of business. The term always includes	168
railroads whether or not they are so defined as public utilities.	169
(N) "State" means any state of the United States, any	170
territory or possession of the United States, the District of	171
Columbia, and any province of Canada.	172
(O) "Bank" means any bank, trust company, savings and loan	173
association, savings bank, or credit union that is incorporated or	174
organized under the laws of the United States, any state of the	175
United States, Canada, or any province of Canada and that is	176
subject to regulation or supervision by that country, state, or	177
province.	178
(P) "Include," when used in a definition, does not exclude	179
other things or persons otherwise within the meaning of the term	180
defined.	181
(Q)(1) "Registration by description" means that the	182
requirements of section 1707.08 of the Revised Code have been	183
complied with.	184
(2) "Registration by qualification" means that the	185
requirements of sections 1707.09 and 1707.11 of the Revised Code	186
have been complied with.	187
(3) "Registration by coordination" means that there has been	188
compliance with section 1707.091 of the Revised Code. Reference in	189
this chapter to registration by qualification also includes	190
registration by coordination unless the context otherwise	191
indicates	192
<u>(4) Reference in this chapter to "registration by</u>	193
<u>description" or "registration by qualification" does not include</u>	194
<u>registration by coordination.</u>	195
(R) "Intoxicating liquor" includes all liquids and compounds	196

that contain more than three and two-tenths per cent of alcohol by weight and are fit for use for beverage purposes.	197 198
(S) "Institutional investor" means any of the following, whether acting for itself or for others in a fiduciary capacity:	199 200
(1) A bank or international banking institution;	201
(2) An insurance company;	202
(3) A separate account of an insurance company;	203
(4) An investment company as defined in the "Investment Company Act of 1940," 15 U.S.C. 80a-3;	204 205
(5) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended, or licensed by the division of securities as a dealer;	206 207 208
(6) An employee pension, profit-sharing, or benefit plan if the plan has total assets in excess of ten million dollars or its investment decisions are made by a named fiduciary, as defined in the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, that is one of the following:	209 210 211 212 213
(a) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended;	214 215
(b) An investment adviser registered or exempt from registration under the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3;	216 217 218
(c) An investment adviser registered under this chapter, a bank, or an insurance company.	219 220
(7) A plan established and maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or a political subdivision of a state for the benefit of its employees, if the plan has total assets in excess of ten million	221 222 223 224

dollars or its investment decisions are made by a duly designated	225
public official or by a named fiduciary, as defined in the	226
"Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001,	227
that is one of the following:	228
(a) A broker-dealer registered under the "Securities Exchange	229
Act of 1934," 15 U.S.C. 78o, as amended;	230
(b) An investment adviser registered or exempt from	231
registration under the "Investment Advisers Act of 1940," 15	232
U.S.C. 80b-3;	233
(c) An investment adviser registered under this chapter, a	234
bank, or an insurance company.	235
(8) A trust, if it has total assets in excess of ten million	236
dollars, its trustee is a bank, and its participants are	237
exclusively plans of the types identified in division (S)(6) or	238
(7) of this section, regardless of the size of their assets,	239
except a trust that includes as participants self-directed	240
individual retirement accounts or similar self-directed plans;	241
(9) An organization described in section 501(c)(3) of the	242
"Internal Revenue Code of 1986," 26 U.S.C. 1, as amended,	243
corporation, Massachusetts trust or similar business trust,	244
limited liability company, or partnership, not formed for the	245
specific purpose of acquiring the securities offered, with total	246
assets in excess of ten million dollars;	247
(10) A small business investment company licensed by the	248
small business administration under section 301(c) of the "Small	249
Business Investment Act of 1958," 15 U.S.C. 681(c), with total	250
assets in excess of ten million dollars;	251
(11) A private business development company as defined in	252
section 202(a)(22) of the "Investment Advisers Act of 1940," 15	253

U.S.C. 80b-2(a)(22), with total assets in excess of ten million	254
dollars;	255
(12) A federal covered investment adviser acting for its own	256
account;	257
(13) A "qualified institutional buyer" as defined in 17	258
C.F.R. 230.144A(a)(1), other than 17 C.F.R. 230.144A(a)(1)(H);	259
(14) A "major U.S. institutional investor" as defined in 17	260
C.F.R. 240.15a-6(b)(4)(i);	261
(15) Any other person, other than an individual, of	262
institutional character with total assets in excess of ten million	263
dollars not organized for the specific purpose of evading this	264
chapter;	265
(16) Any other person specified by rule adopted or order	266
issued under this chapter.	267
(T) A reference to a statute of the United States or to a	268
rule, regulation, or form promulgated by the securities and	269
exchange commission or by another federal agency means the	270
statute, rule, regulation, or form as it exists at the time of the	271
act, omission, event, or transaction to which it is applied under	272
this chapter.	273
(U) "Securities and exchange commission" means the securities	274
and exchange commission established by the Securities Exchange Act	275
of 1934.	276
(V)(1) "Control bid" means the purchase of or offer to	277
purchase any equity security of a subject company from a resident	278
of this state if either of the following applies:	279
(a) After the purchase of that security, the offeror would be	280
directly or indirectly the beneficial owner of more than ten per	281

cent of any class of the issued and outstanding equity securities 282
of the issuer. 283

(b) The offeror is the subject company, there is a pending 284
control bid by a person other than the issuer, and the number of 285
the issued and outstanding shares of the subject company would be 286
reduced by more than ten per cent. 287

(2) For purposes of division (V)(1) of this section, "control 288
bid" does not include any of the following: 289

(a) A bid made by a dealer for the dealer's own account in 290
the ordinary course of business of buying and selling securities; 291

(b) An offer to acquire any equity security solely in 292
exchange for any other security, or the acquisition of any equity 293
security pursuant to an offer, for the sole account of the 294
offeror, in good faith and not for the purpose of avoiding the 295
provisions of this chapter, and not involving any public offering 296
of the other security within the meaning of Section 4 of Title I 297
of the "Securities Act of 1933," 48 Stat. 77, 15 U.S.C.A. 77d(2), 298
as amended; 299

(c) Any other offer to acquire any equity security, or the 300
acquisition of any equity security pursuant to an offer, for the 301
sole account of the offeror, from not more than fifty persons, in 302
good faith and not for the purpose of avoiding the provisions of 303
this chapter. 304

(W) "Offeror" means a person who makes, or in any way 305
participates or aids in making, a control bid and includes persons 306
acting jointly or in concert, or who intend to exercise jointly or 307
in concert any voting rights attached to the securities for which 308
the control bid is made and also includes any subject company 309
making a control bid for its own securities. 310

(X)(1) "Investment adviser" means any person who, for 311
compensation, engages in the business of advising others, either 312
directly or through publications or writings, as to the value of 313
securities or as to the advisability of investing in, purchasing, 314
or selling securities, or who, for compensation and as a part of 315
regular business, issues or promulgates analyses or reports 316
concerning securities. 317

(2) "Investment adviser" does not mean any of the following: 318

(a) Any attorney, accountant, engineer, or teacher, whose 319
performance of investment advisory services described in division 320
(X)(1) of this section is solely incidental to the practice of the 321
attorney's, accountant's, engineer's, or teacher's profession; 322

(b) A publisher of any bona fide newspaper, news magazine, or 323
business or financial publication of general and regular 324
circulation; 325

(c) A person who acts solely as an investment adviser 326
representative; 327

(d) A bank holding company, as defined in the "Bank Holding 328
Company Act of 1956," 70 Stat. 133, 12 U.S.C. 1841, that is not an 329
investment company; 330

(e) A bank, or any receiver, conservator, or other 331
liquidating agent of a bank; 332

(f) Any licensed dealer or licensed salesperson whose 333
performance of investment advisory services described in division 334
(X)(1) of this section is solely incidental to the conduct of the 335
dealer's or salesperson's business as a licensed dealer or 336
licensed salesperson and who receives no special compensation for 337
the services; 338

(g) Any person, the advice, analyses, or reports of which do 339

not relate to securities other than securities that are direct 340
obligations of, or obligations guaranteed as to principal or 341
interest by, the United States, or securities issued or guaranteed 342
by corporations in which the United States has a direct or 343
indirect interest, and that have been designated by the secretary 344
of the treasury as exempt securities as defined in the "Securities 345
Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 78c; 346

(h) Any person that is excluded from the definition of 347
investment adviser pursuant to section 202(a)(11)(A) to (E) of the 348
"Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11), or that 349
has received an order from the securities and exchange commission 350
under section 202(a)(11)(F) of the "Investment Advisers Act of 351
1940," 15 U.S.C. 80b-2(a)(11)(F), declaring that the person is not 352
within the intent of section 202(a)(11) of the Investment Advisers 353
Act of 1940. 354

(i) A person who acts solely as a state retirement system 355
investment officer or as a bureau of workers' compensation chief 356
investment officer; 357

(j) Any other person that the division designates by rule, if 358
the division finds that the designation is necessary or 359
appropriate in the public interest or for the protection of 360
investors or clients and consistent with the purposes fairly 361
intended by the policy and provisions of this chapter. 362

(Y)(1) "Subject company" means an issuer that satisfies both 363
of the following: 364

(a) Its principal place of business or its principal 365
executive office is located in this state, or it owns or controls 366
assets located within this state that have a fair market value of 367
at least one million dollars. 368

(b) More than ten per cent of its beneficial or record equity security holders are resident in this state, more than ten per cent of its equity securities are owned beneficially or of record by residents in this state, or more than one thousand of its beneficial or record equity security holders are resident in this state.

(2) The division of securities may adopt rules to establish more specific application of the provisions set forth in division (Y)(1) of this section. Notwithstanding the provisions set forth in division (Y)(1) of this section and any rules adopted under this division, the division, by rule or in an adjudicatory proceeding, may make a determination that an issuer does not constitute a "subject company" under division (Y)(1) of this section if appropriate review of control bids involving the issuer is to be made by any regulatory authority of another jurisdiction.

(Z) "Beneficial owner" includes any person who directly or indirectly through any contract, arrangement, understanding, or relationship has or shares, or otherwise has or shares, the power to vote or direct the voting of a security or the power to dispose of, or direct the disposition of, the security. "Beneficial ownership" includes the right, exercisable within sixty days, to acquire any security through the exercise of any option, warrant, or right, the conversion of any convertible security, or otherwise. Any security subject to any such option, warrant, right, or conversion privilege held by any person shall be deemed to be outstanding for the purpose of computing the percentage of outstanding securities of the class owned by that person, but shall not be deemed to be outstanding for the purpose of computing the percentage of the class owned by any other person. A person shall be deemed the beneficial owner of any security beneficially owned by any relative or spouse or relative of the spouse residing

in the home of that person, any trust or estate in which that
person owns ten per cent or more of the total beneficial interest
or serves as trustee or executor, any corporation or entity in
which that person owns ten per cent or more of the equity, and any
affiliate or associate of that person.

(AA) "Offeree" means the beneficial or record owner of any
security that an offeror acquires or offers to acquire in
connection with a control bid.

(BB) "Equity security" means any share or similar security,
or any security convertible into any such security, or carrying
any warrant or right to subscribe to or purchase any such
security, or any such warrant or right, or any other security
that, for the protection of security holders, is treated as an
equity security pursuant to rules of the division of securities.

(CC)(1) "Investment adviser representative" means a
supervised person of an investment adviser, provided that the
supervised person has more than five clients who are natural
persons other than excepted persons defined in division (EE) of
this section, and that more than ten per cent of the supervised
person's clients are natural persons other than excepted persons
defined in division (EE) of this section. "Investment adviser
representative" does not mean any of the following:

(a) A supervised person that does not on a regular basis
solicit, meet with, or otherwise communicate with clients of the
investment adviser;

(b) A supervised person that provides only investment
advisory services described in division (X)(1) of this section by
means of written materials or oral statements that do not purport
to meet the objectives or needs of specific individuals or
accounts;

(c) Any other person that the division designates by rule, if 430
the division finds that the designation is necessary or 431
appropriate in the public interest or for the protection of 432
investors or clients and is consistent with the provisions fairly 433
intended by the policy and provisions of this chapter. 434

(2) For the purpose of the calculation of clients in division 435
(CC)(1) of this section, a natural person and the following 436
persons are deemed a single client: Any minor child of the natural 437
person; any relative, spouse, or relative of the spouse of the 438
natural person who has the same principal residence as the natural 439
person; all accounts of which the natural person or the persons 440
referred to in division (CC)(2) of this section are the only 441
primary beneficiaries; and all trusts of which the natural person 442
or persons referred to in division (CC)(2) of this section are the 443
only primary beneficiaries. Persons who are not residents of the 444
United States need not be included in the calculation of clients 445
under division (CC)(1) of this section. 446

(3) If subsequent to March 18, 1999, amendments are enacted 447
or adopted defining "investment adviser representative" for 448
purposes of the Investment Advisers Act of 1940 or additional 449
rules or regulations are promulgated by the securities and 450
exchange commission regarding the definition of "investment 451
adviser representative" for purposes of the Investment Advisers 452
Act of 1940, the division of securities shall, by rule, adopt the 453
substance of the amendments, rules, or regulations, unless the 454
division finds that the amendments, rules, or regulations are not 455
necessary for the protection of investors or in the public 456
interest. 457

(DD) "Supervised person" means a natural person who is any of 458
the following: 459

(1) A partner, officer, or director of an investment adviser, 460
or other person occupying a similar status or performing similar 461
functions with respect to an investment adviser; 462

(2) An employee of an investment adviser; 463

(3) A person who provides investment advisory services 464
described in division (X)(1) of this section on behalf of the 465
investment adviser and is subject to the supervision and control 466
of the investment adviser. 467

(EE) "Excepted person" means a natural person to whom any of 468
the following applies: 469

(1) Immediately after entering into the investment advisory 470
contract with the investment adviser, the person has at least 471
seven hundred fifty thousand dollars under the management of the 472
investment adviser. 473

(2) The investment adviser reasonably believes either of the 474
following at the time the investment advisory contract is entered 475
into with the person: 476

(a) The person has a net worth, together with assets held 477
jointly with a spouse, of more than one million five hundred 478
thousand dollars. 479

(b) The person is a qualified purchaser as defined in 480
division (FF) of this section. 481

(3) Immediately prior to entering into an investment advisory 482
contract with the investment adviser, the person is either of the 483
following: 484

(a) An executive officer, director, trustee, general partner, 485
or person serving in a similar capacity, of the investment 486
adviser; 487

(b) An employee of the investment adviser, other than an 488
employee performing solely clerical, secretarial, or 489
administrative functions or duties for the investment adviser, 490
which employee, in connection with the employee's regular 491
functions or duties, participates in the investment activities of 492
the investment adviser, provided that, for at least twelve months, 493
the employee has been performing such nonclerical, nonsecretarial, 494
or nonadministrative functions or duties for or on behalf of the 495
investment adviser or performing substantially similar functions 496
or duties for or on behalf of another company. 497

If subsequent to March 18, 1999, amendments are enacted or 498
adopted defining "excepted person" for purposes of the Investment 499
Advisers Act of 1940 or additional rules or regulations are 500
promulgated by the securities and exchange commission regarding 501
the definition of "excepted person" for purposes of the Investment 502
Advisers Act of 1940, the division of securities shall, by rule, 503
adopt the substance of the amendments, rules, or regulations, 504
unless the division finds that the amendments, rules, or 505
regulations are not necessary for the protection of investors or 506
in the public interest. 507

(FF)(1) "Qualified purchaser" means either of the following: 508

(a) A natural person who owns not less than five million 509
dollars in investments as defined by rule by the division of 510
securities; 511

(b) A natural person, acting for the person's own account or 512
accounts of other qualified purchasers, who in the aggregate owns 513
and invests on a discretionary basis, not less than twenty-five 514
million dollars in investments as defined by rule by the division 515
of securities. 516

(2) If subsequent to March 18, 1999, amendments are enacted 517

or adopted defining "qualified purchaser" for purposes of the 518
Investment Advisers Act of 1940 or additional rules or regulations 519
are promulgated by the securities and exchange commission 520
regarding the definition of "qualified purchaser" for purposes of 521
the Investment Advisers Act of 1940, the division of securities 522
shall, by rule, adopt the amendments, rules, or regulations, 523
unless the division finds that the amendments, rules, or 524
regulations are not necessary for the protection of investors or 525
in the public interest. 526

(GG)(1) "Purchase" has the full meaning of "purchase" as 527
applied by or accepted in courts of law or equity and includes 528
every acquisition of, or attempt to acquire, a security or an 529
interest in a security. "Purchase" also includes a contract to 530
purchase, an exchange, an attempt to purchase, an option to 531
purchase, a solicitation of a purchase, a solicitation of an offer 532
to sell, a subscription, or an offer to purchase, directly or 533
indirectly, by agent, circular, pamphlet, advertisement, or 534
otherwise. 535

(2) "Purchase" means any act by which a purchase is made. 536

(3) Any security given with, or as a bonus on account of, any 537
purchase of securities is conclusively presumed to constitute a 538
part of the subject of that purchase. 539

(HH) "Life settlement interest" means the entire interest or 540
any fractional interest in an insurance policy or certificate of 541
insurance, or in an insurance benefit under such a policy or 542
certificate, that is the subject of a life settlement contract. 543

For purposes of this division, "life settlement contract" 544
means an agreement for the purchase, sale, assignment, transfer, 545
devise, or bequest of any portion of the death benefit or 546
ownership of any life insurance policy or contract, in return for 547

consideration or any other thing of value that is less than the 548
 expected death benefit of the life insurance policy or contract. 549
 "Life settlement contract" includes a viatical settlement contract 550
 as defined in section 3916.01 of the Revised Code, but does not 551
 include any of the following: 552

(1) A loan by an insurer under the terms of a life insurance 553
 policy, including, but not limited to, a loan secured by the cash 554
 value of the policy; 555

(2) An agreement with a bank that takes an assignment of a 556
 life insurance policy as collateral for a loan; 557

(3) The provision of accelerated benefits as defined in 558
 section 3915.21 of the Revised Code; 559

(4) Any agreement between an insurer and a reinsurer; 560

(5) An agreement by an individual to purchase an existing 561
 life insurance policy or contract from the original owner of the 562
 policy or contract, if the individual does not enter into more 563
 than one life settlement contract per calendar year; 564

(6) The initial purchase of an insurance policy or 565
 certificate of insurance from its owner by a viatical settlement 566
 provider, as defined in section 3916.01 of the Revised Code, that 567
 is licensed under Chapter 3916. of the Revised Code. 568

(II) "State retirement system" means the public employees 569
 retirement system, Ohio police and fire pension fund, state 570
 teachers retirement system, school employees retirement system, 571
 and state highway patrol retirement system. 572

(JJ) "State retirement system investment officer" means an 573
 individual employed by a state retirement system as a chief 574
 investment officer, assistant investment officer, or the person in 575
 charge of a class of assets or in a position that is substantially 576

equivalent to chief investment officer, assistant investment officer, or person in charge of a class of assets. 577
578

(KK) "Bureau of workers' compensation chief investment officer" means an individual employed by the administrator of workers' compensation as a chief investment officer or in a position that is substantially equivalent to a chief investment officer. 579
580
581
582
583

Sec. 1707.09. (A)(1) All securities, except those enumerated in section 1707.02 of the Revised Code ~~and~~, those that are the subject matter of a transaction permitted by section 1707.03, 1707.04, or 1707.06 of the Revised Code, and those that are subject to registration by coordination under section 1707.091 of the Revised Code, shall be qualified in the manner provided by this section before being sold in this state. No security subject to registration by coordination under section 1707.091 of the Revised Code shall be subject to any provision of this section. 584
585
586
587
588
589
590
591
592

(2) Applications for qualification, on forms prescribed by the division of securities, shall be made in writing either by the issuer of the securities or by any licensed dealer desiring to sell them within this state and shall be signed by the applicant, sworn to by any individual having knowledge of the facts stated in the application, and filed in the office of the division. 593
594
595
596
597
598

(3) The individual who executes the application for qualification of securities on behalf of the applicant shall state the individual's relationship to the applicant and certify that: the individual has executed the application on behalf of the applicant; the individual is fully authorized to execute and file the application on behalf of the applicant; the individual is familiar with the applicant's application; and to the best of the 599
600
601
602
603
604
605

individual's knowledge, information, and belief, the statements
made in the application are true, and the documents submitted with
the application are true copies of the original documents.

(B) The division shall require the applicant for
qualification of securities to submit to it the following
information:

(1) The names and addresses of the directors or trustees and
of the officers of the issuer, if the issuer is a corporation or
an unincorporated association; of all the members of the issuer,
if the issuer is a limited liability company in which management
is reserved to its members; of all the managers of the issuer, if
the issuer is a limited liability company in which management is
not reserved to its members; of all partners, if the issuer is a
general or limited partnership or a partnership association; and
the name and address of the issuer, if the issuer is an
individual;

(2) The address of the issuer's principal place of business
and principal office in this state, if any;

(3) The purposes and general character of the business
actually being transacted, or to be transacted, by the issuer, and
the purpose of issuing the securities named in the application;

(4) A statement of the capitalization of the issuer; a
balance sheet made up as of the most recent practicable date,
showing the amount and general character of its assets and
liabilities; a description of the security for the qualification
of which application is being made; and copies of all circulars,
prospectuses, advertisements, or other descriptions of the
securities, that are then prepared by or for the issuer, or by or
for the applicant if the applicant is not the issuer, or by or for
both, to be used for distribution or publication in this state;

(5) A statement of the amount of the issuer's income, 636
expenses, and fixed charges during the last fiscal year or, if the 637
issuer has been in actual business less than one year, for the 638
time that the issuer has been in actual business; 639

(6) A statement showing the price at which the security is to 640
be offered for sale; 641

(7) A statement showing the considerations received or to be 642
received by the issuer of the securities purchased or to be 643
purchased from the issuer and an itemized statement of all 644
expenses of financing to be paid from those considerations so as 645
to show the aggregate net amount actually received or to be 646
received by the issuer; 647

(8) All other information, including an opinion of counsel as 648
to the validity of the securities that are the subject matter of 649
the application, that the division considers necessary to enable 650
it to ascertain whether the securities are entitled to 651
qualification; 652

(9) If the issuer is a corporation, there shall be filed with 653
the application a certified copy of its articles of incorporation 654
with all amendments to the articles, if the articles or amendments 655
are not already on file in the office of the secretary of state; 656
if the issuer is a limited liability company, there shall be filed 657
with the application a certified copy of its articles of 658
organization with all amendments to the articles, if the articles 659
or amendments are not already on file in the office of the 660
secretary of state; if the issuer is a trust or trustee, there 661
shall be filed with the application a copy of all instruments by 662
which the trust was created; and if the issuer is a partnership or 663
an unincorporated association, or any other form of organization, 664
there shall be filed with the application a copy of its articles 665

of partnership or association and of all other papers pertaining 666
to its organization, if the articles or other papers are not 667
already on file in the office of the secretary of state; 668

(10) If the application is made with respect to securities to 669
be sold or distributed by or on behalf of the issuer, or by or on 670
behalf of an underwriter, as defined in division (N) of section 671
1707.03 of the Revised Code, a statement showing that the issuer 672
has received, or will receive at or prior to the delivery of those 673
securities, not less than eighty-five per cent of the aggregate 674
price at which all those securities are sold by or on behalf of 675
the issuer, without deduction for any additional commission, 676
directly or indirectly, and without liability to pay any 677
additional sum as commission; 678

(11) If the division so permits with respect to a security, 679
an applicant may file with the division, in lieu of the division's 680
prescribed forms, a copy of the registration statement relating to 681
the security, with all amendments to that statement, previously 682
filed with the securities and exchange commission of the United 683
States under the "Securities Act of 1933," as amended, together 684
with all additional data, information, and documents that the 685
division requires. 686

(C) If the division finds that it is not necessary in the 687
public interest and for the protection of investors to require all 688
the information specified in divisions (B)(1) to (10) of this 689
section, it may permit the filing of applications for 690
qualification that contain the information that it considers 691
necessary and appropriate in the public interest and for the 692
protection of investors, but this provision applies only in the 693
case of applications for qualification of securities previously 694
issued and outstanding that may not be made the subject matter of 695

transactions exempt under division (M) of section 1707.03 of the
Revised Code by reason of the fact that those securities within
one year were purchased outside this state or within one year were
transported into this state.

(D) All the statements, exhibits, and documents required by
the division under this section, except properly certified public
documents, shall be verified by the oath of the applicant for
qualification, of the issuer, or of any individual having
knowledge of the facts, and in the manner and form that may be
required by the division. Failure or refusal to comply with the
requests of the division shall be sufficient reason for a refusal
by the division to register securities.

(E) If it appears to the division that substantially the only
consideration to be paid for any of the securities to be qualified
is to be intangible property of doubtful value, the division may
require that the securities be delivered in escrow to a bank in
this state under the terms that the division may reasonably
prescribe or require to prevent a deceitful misrepresentation or
sale of the securities; that the securities be subordinated in
favor of those sold for sound value until they have a value
bearing a reasonable relation to the value of those sold for sound
value; or that a legend of warning specifying the considerations
paid or to be paid for the securities be stamped or printed on all
advertisements, circulars, pamphlets, or subscription blanks used
in connection with the sale of any securities of the same issuer;
or it may impose a combination of any two or more of these
requirements.

(F) At the time of filing the information prescribed in this
section, the applicant shall pay to the division a filing fee of
one hundred dollars.

(G)(1) The division, at any time, as a prerequisite to 726
qualification, may make an examination of the issuer of securities 727
sought to be qualified. The applicant for qualification of any 728
securities may be required by the division to advance sufficient 729
funds to pay all or any part of the actual expenses of that 730
examination, an itemized statement of which shall be furnished the 731
applicant. 732

(2) If the division finds that the business of the issuer is 733
not fraudulently conducted, that the proposed offer or disposal of 734
securities is not on grossly unfair terms, that the plan of 735
issuance and sale of the securities referred to in the proposed 736
offer or disposal would not defraud or deceive, or tend to defraud 737
or deceive, purchasers, and that division (B)(10) of this section 738
applies and has been complied with, the division shall notify the 739
applicant of its findings, and, upon payment of a registration fee 740
of one-tenth of one per cent of the aggregate price at which the 741
securities are to be sold to the public in this state, which fee, 742
however, shall in no case be less than one hundred or more than 743
one thousand dollars, the division shall register the 744
qualification of the securities. 745

(H) An application for qualification of securities may be 746
amended by the person filing it at any time prior to the 747
division's action on it either in registering the securities for 748
qualification or in refusing to do so. Subsequent to any such 749
action by the division, the person who filed the application may 750
file with the consent of the division one or more amendments to it 751
that shall become effective upon the making by the division of the 752
findings enumerated in division (G) of this section; the giving of 753
notice of those findings to the applicant by the division; and the 754
payment by the applicant of the additional fee that would have 755
been payable had the application, as it previously became 756

effective, contained the amendment. 757

(I) When any securities have been qualified and the fees for 758
 the qualification have been paid as provided in this section, any 759
 licensed dealer subsequently may sell the securities under the 760
 qualification, so long as the qualification remains in full force, 761
 and any dealer of that nature that desires may file with the 762
 division a written notice of intention to sell the securities or 763
 any designated portion of them. For that filing, no fee need be 764
 paid. 765

Sec. 1707.091. (A) Any security for which a registration 766
 statement has been filed pursuant to Section 6 of the Securities 767
 Act of 1933 or for which a notification form and offering circular 768
 has been filed pursuant to regulation A of the general rules and 769
 regulations of the securities and exchange commission, 17 C.F.R. 770
 sections 230.251 to 230.256 and 230.258 to 230.263, as amended 771
 before or after the effective date of this section, in connection 772
 with the same offering ~~may~~ shall be registered by coordination 773
rather than by qualification under section 1707.09 of the Revised 774
Code or any other method of registration. 775

(B) A registration statement filed by or on behalf of the 776
 issuer under this section with the division of securities shall 777
 contain the following information and be accompanied by the 778
 following items in addition to the consent to service of process 779
 required by section 1707.11 of the Revised Code: 780

(1) One copy of the latest form of prospectus or offering 781
 circular and notification filed with the securities and exchange 782
 commission; 783

(2) If the division of securities by rule or otherwise 784
 requires, a copy of the articles of incorporation and code of 785

regulations or bylaws, or their substantial equivalents, as 786
currently in effect, a copy of any agreements with or among 787
underwriters, a copy of any indenture or other instrument 788
governing the issuance of the security to be registered, and a 789
specimen or copy of the security; 790

(3) If the division of securities requests, any other 791
information, or copies of any other documents, filed with the 792
securities and exchange commission; 793

(4) An undertaking by the issuer to forward to the division, 794
promptly and in any event not later than the first business day 795
after the day they are forwarded to or thereafter are filed with 796
the securities and exchange commission, whichever occurs first, 797
all amendments to the federal prospectus, offering circular, 798
notification form, or other documents filed with the securities 799
and exchange commission, other than an amendment that merely 800
delays the effective date; 801

(5) A filing fee of one hundred dollars. 802

(C) A registration statement filed under this section becomes 803
effective, without delay or waiver of any condition by the 804
division or issuer, either at the moment the federal registration 805
statement becomes effective or at the time the offering may 806
otherwise be commenced in accordance with the rules, regulations, 807
or orders of the securities and exchange commission, if all of the 808
following conditions are satisfied: 809

(1) No stop order is in effect, no proceeding is pending 810
under section 1707.13 of the Revised Code, and no cease and desist 811
order has been issued pursuant to section 1707.23 of the Revised 812
Code; 813

(2) The registration statement has been on file with the 814

division for at least fifteen days or for such shorter period as
the division by rule or otherwise permits; provided, that if the
registration statement is not filed with the division within five
days of the initial filing with the securities and exchange
commission, the registration statement must be on file with the
division for thirty days or for such shorter period as the
division by rule or otherwise permits.

(3) A statement of the maximum and minimum proposed offering
prices and the maximum underwriting discounts and commissions has
been on file with the division for two full business days or for
such shorter period as the division by rule or otherwise permits
and the offering is made within those limitations;

(4) The division has received a registration fee of one-tenth
of one per cent of the aggregate price at which the securities are
to be sold to the public in this state, which fee, however, shall
in no case be less than one hundred or more than one thousand
dollars.

(D) The issuer shall promptly notify the division by
telephone or telegram of the date and time when the federal
registration statement became effective, or when the offering may
otherwise be commenced in accordance with the rules, regulations,
or orders of the securities and exchange commission, and of the
contents of the price amendment, if any, and shall promptly file
the price amendment.

"Price amendment" for the purpose of this division, means the
final federal registration statement amendment that includes a
statement of the offering price, underwriting and selling
discounts or commissions, amount of proceeds, conversion rates,
call prices, and other matters dependent upon the offering price.

If the division fails to receive the required notice and

required copies of the price amendment, the division may enter a
provisional stop order retroactively denying effectiveness to the
registration statement or suspending its effectiveness until there
is compliance with this division, provided the division promptly
notifies the issuer or its representative by telephone or
telegram, and promptly confirms by letter or telegram when it
notifies by telephone, of the entry of the order. If the issuer or
its representative proves compliance with the requirements of this
division as to notice and price amendment filing, the stop order
is void as of the time of its entry. The division may by rule or
otherwise waive either or both of the conditions specified in
divisions (C)(2) and (3) of this section. If the federal
registration statement becomes effective, or if the offering may
otherwise be commenced in accordance with the rules, regulations,
or orders of the securities and exchange commission, before all of
the conditions specified in divisions (C) and (D) of this section
are satisfied and they are not waived by the division the
registration statement becomes effective as soon as all of the
conditions are satisfied.

If the issuer advises the division of the date when the
federal registration statement is expected to become effective, or
when the offering may otherwise be commenced in accordance with
the rules, regulations, or orders of the securities and exchange
commission, the division shall promptly advise the issuer or its
representative by telephone or telegram, at the issuer's expense,
whether all of the conditions have been satisfied or whether the
division then contemplates the institution of a proceeding under
section 1707.13 or 1707.23 of the Revised Code, but such advice
does not preclude the institution of such a proceeding at any
time.

Sec. 1707.092. (A) For the purposes of selling securities in 875
 this state, except securities that are the subject matter of 876
 transactions enumerated in section 1707.03 of the Revised Code, an 877
 investment company, as defined by the Investment Company Act of 878
 1940, ~~that is registered or has filed a registration statement~~ 879
~~with the securities and exchange commission under the Investment~~ 880
~~Company Act of 1940,~~ and a business development company that has 881
elected to be subject to 15 U.S.C. 80a-54 to 80a-64, shall file 882
 the following with the division of securities: 883

(1) A notice filing consisting of either of the following: 884

(a) A copy of the investment company's or business 885
development company's federal registration statement as filed with 886
 the securities and exchange commission; 887

(b) A form U-1 or form NF of the North American securities 888
 administrators association. 889

(2) Appropriate filing fees consisting of both of the 890
 following: 891

(a) A flat fee of one hundred dollars; 892

(b) A fee calculated at one-tenth of one per cent of the 893
 aggregate price at which the securities are to be sold to the 894
 public in this state, which calculated fee, however, shall in no 895
 case be less than one hundred or more than one thousand dollars. 896

(B)(1) Upon payment of the maximum filing fees as provided in 897
 division (A)(2) of this section, an investment company or business 898
development company may sell an indefinite amount of securities in 899
 this state. 900

(2) An investment company or business development company 901
 making a notice filing as provided in this section shall comply 902

with section 1707.11 of the Revised Code. An investment company or 903
business development company that previously filed with the 904
division a valid consent to service of process pursuant to section 905
1707.11 of the Revised Code may incorporate that consent by 906
reference. 907

(C)(1) For offerings involving covered securities, as defined 908
in section 18 of the "Securities Act of 1933," 15 U.S.C. 77r, that 909
are not subject to section 1707.02, 1707.03, 1707.04, 1707.06, 910
1707.08, 1707.09, or 1707.091 of the Revised Code, or division (A) 911
of this section, a notice filing shall be submitted to the 912
division together with a consent to service of process pursuant to 913
section 1707.11 of the Revised Code and a filing fee as provided 914
in division (A)(2) of this section. 915

(2) The notice filing described in division (C)(1) of this 916
section shall consist of any document filed with the securities 917
and exchange commission pursuant to the Securities Act of 1933, 918
together with annual or periodic reports of the value of the 919
securities sold or offered to be sold to persons located in this 920
state. 921

(D) A notice filing submitted under this section shall be 922
effective for thirteen months." 923

In line 108800, after "1551.35," insert "1707.01, 1707.09, 924
1707.091, 1707.092," 925

The motion was _____ agreed to.

SYNOPSIS

Securities registration

926

R.C. 1707.01, 1707.09, 1707.091, and 1707.092	927
Reinstates a House provision that does the following:	928
- Specifies that in the Securities Law a registration by description or registration by qualification does not include a registration by coordination.	929 930 931
- Limits the Division of Securities review of registrations by coordination.	932 933
- Requires business development companies that elect to be subject to the U.S. Securities and Exchange Commission's requirements to provide a notice filing with the Division of Securities.	934 935 936 937

_____ moved to amend as follows:

1 After line 229177, insert:

2 "5ZT0 7256A2 State Park Lodges \$12,000,000 \$12,000,000"

3 Maintenance and Repair

4 In line 229190, add \$12,000,000 to each fiscal year

5 In line 229221, add \$12,000,000 to each fiscal year

6 The motion was _____ agreed to.

7 SYNOPSIS

8 **Department of Natural Resources**

9 **Section 343.10**

10 Appropriates \$12,000,000 in each fiscal year under Fund
11 5ZT0 ALI 7256A2, State Park Lodges Maintenance and Repair.

Sub. H.B. 33
L- 135- 0001-5

_____ moved to amend as follows:

In line 159 of the title, after "5123.601," insert 1
"5123.603," 2

In line 742, after "5123.601," insert "5123.603," 3

After line 88574, insert: 4

"**Sec. 5123.603.** (A) ~~Every two years, the president of the~~ 5
~~senate and speaker of the house of representative shall establish~~ 6
a A joint committee to examine the activities of the state's 7
protection and advocacy system and client assistance program is 8
hereby established. 9

~~(B)(1)(B)~~ The joint committee shall consist of three members 10
of the senate appointed by the senate president, two from the 11
majority party and one from the minority party, and three members 12
of the house of representatives, two from the majority party and 13
one from the minority party, appointed by the speaker of the house 14
of representatives. ~~The senate president and speaker of the house~~ 15
~~of representatives also shall determine the dates on which~~ 16
~~members' terms on the joint committee are to begin and end.~~ 17
~~Vacancies shall be filled in the manner of the original~~ 18
~~appointments.~~ In odd-numbered years, the senate president shall 19
designate a member of the senate as the chairperson of the 20

committee and in even-numbered years, the speaker of the house of 21
 representatives shall designate a member of the house of 22
 representatives as the chairperson of the joint committee. 23

~~(2) In its sole discretion, the current entity serving as the 24
 state's protection and advocacy system and client assistance 25
 program may appear before, and offer testimony to, the joint 26
 committee. 27~~

~~(C) Every two years, the senate president and speaker of the 28
 house of representatives shall specify a deadline for the joint 29
 committee to complete a new report containing the joint 30
 committee's recommendations, if any. The joint committee shall 31
 submit the report to the senate president, speaker of the house of 32
 representatives, governor, and joint medicaid oversight committee 33
 by the deadline." 34~~

In line 108880, after "5123.601," insert "5123.603," 35

The motion was _____ agreed to.

SYNOPSIS

Joint committee to examine the protection and advocacy system 36

R.C. 5123.603 37

Eliminates a requirement that the Senate President and House 38
 Speaker establish a joint committee to examine the activities of 39
 the state's protection and advocacy system (P&A system) and client 40
 assistance program every two years, and instead establishes this 41
 joint committee. 42

Eliminates a requirement that the Senate President and House 43
 Speaker determine the dates on which the terms of members of the 44

joint committee begin and end.	45
Eliminates reporting requirements for the joint committee.	46
Repeals a provision specifying that the entity serving as the P&A system may, in its sole discretion, appear before, and offer testimony to, the joint committee.	47 48 49

_____ moved to amend as follows:

1 After line 235518, insert:

2 **"Section 701.____.** (A) The Auditor of State may conduct an
3 audit of the Department of Job and Family Services and any
4 program administered by the Department. An audit conducted under
5 this section is independent of the audit required pursuant to
6 "The Single Audit Act of 1984," 31 U.S.C. 7501 et seq.

7 (B) Pursuant to section 117.13 of the Revised Code, the
8 Auditor of State may charge the Department of Job and Family
9 Services for the total cost of an audit conducted under this
10 section.

11 (C) If an audit is conducted under this section, the
12 Auditor of State shall determine the subject and scope of the
13 audit, which may include any of the following:

14 (1) The management and operation of the Department;

15 (2) The economy, efficiency, and transparency of Department
16 programs;

17 (3) The goals, outcomes, or impacts of Department programs;

18 (4) The systems and processes used by the Department to
19 determine program eligibility for recipients and providers;

_____ moved to amend as follows:

1 After line 235518, insert:

2 **"Section 701.____.** (A) (1) The Auditor of State shall conduct
3 audits of the Department of Medicaid and the programs that the
4 Department administers. An audit conducted under this section is
5 independent of the audit required pursuant to "The Single Audit
6 Act of 1984," 31 U.S.C. 7501 et seq.

7 (2) Pursuant to section 117.13 of the Revised Code, the
8 Auditor of State may charge the Department of Medicaid for the
9 total cost of an audit conducted under this section.

10 (B) The Auditor of State shall determine the subject and
11 scope of audits conducted under this section, which may include
12 any of the following:

13 (1) The management and operation of the Department of
14 Medicaid;

15 (2) The economy, efficiency, and transparency of programs
16 administered by the Department;

17 (3) The goals, outcomes, or impacts of programs
18 administered by the Department;

19 (4) The systems and processes used by the Department to
20 determine eligibility of program recipients and providers;

21 (5) The integrity of the programs administered by the
22 Department, including payment accuracy;

23 (6) The contract management and subrecipient monitoring
24 practices of the Department.

25 (C) The Auditor of State shall periodically report the
26 results of audits conducted under this section to the Joint
27 Medicaid Oversight Committee."

28 The motion was _____ agreed to.

29 SYNOPSIS

30 **Department of Medicaid audit**

31 **Section 701.____**

32 Requires the Auditor of State to conduct audits of ODM and
33 the programs it administers.

34 Permits the Auditor to charge ODM for the costs of the
35 audits.

36 Specifies that the Auditor may determine the subject and
37 scope of these audits, which may include specified topics.

38 Requires the Auditor to periodically report the results of
39 these audits to JMOC.

_____ moved to amend as follows:

1 In line 229 of the title, after "5103.021," insert
2 "5119.334, 5119.343,"

3 In line 794, after "5103.021," insert "5119.334, 5119.343,"

4 In line 86795, after "unless" insert "both of"; after "the"
5 insert "following are the case:

6 (a) The

7 In line 86797, after "persons" insert ", is adequately
8 staffed and equipped to operate,"

9 After line 86800, insert:

10 (b) The department has not been notified under section
11 5119.334 of the Revised Code or is not otherwise aware that the
12 hospital, or any owner, sponsor, medical director,
13 administrator, or principal of the hospital, has been the
14 subject of an adverse action, as defined in that section, taken
15 during the three-year period immediately preceding the date of
16 application."

17 After line 86918, insert:

18 "Sec. 5119.334. (A) As used in this section, "adverse
19 action" means an action by a state, provincial, federal, or

20 other licensing or regulatory authority to deny, revoke,
21 suspend, place on probation, or otherwise restrict a license,
22 certificate, or other approval to operate a hospital or practice
23 a health care profession.

24 (B) (1) When submitting an application for initial or
25 renewed licensure of a hospital under section 5119.33 of the
26 Revised Code, the applicant shall notify the department of
27 mental health and addiction services of any adverse action taken
28 against the hospital or the hospital's owner, sponsor, medical
29 director, administrator, or any of its principals within the
30 three-year period immediately preceding the date of application.

31 (2) Not later than seven days after receiving a notice of
32 adverse action from a licensing or regulatory authority that is
33 other than the department of mental health and addiction
34 services, the holder of a hospital license issued under section
35 5119.33 of the Revised Code shall notify the department of the
36 action.

37 (C) To notify the department as required by this section, a
38 copy of the notice of adverse action shall be provided to the
39 department."

40 In line 86920, strike through "and 5119.342" and insert "to
41 5119.343"

42 In line 87048, after "(E)" strike through the balance of
43 the line

SC2708

44 In line 87049, strike through "a" and insert "A"

45 Strike through lines 87062 through 87074

46 In line 87077, after "department" strike through the
47 balance of the line

48 In line 87078, strike through all before the period and
49 insert "may issue a license to operate a residential facility
50 only if all of the following are the case:

51 (1) The department is satisfied, after investigation, that
52 the facility is managed and operated by qualified persons and is
53 adequately staffed and equipped to operate.

54 (2) The department has not been notified under section
55 5119.343 of the Revised Code or is not otherwise aware that the
56 residential facility or any owner, operator, or manager of the
57 residential facility has been the subject of an adverse action,
58 as defined in that section, taken during the three-year period
59 immediately preceding the date of application.

60 (3) The department has not been notified or is not
61 otherwise aware that the residential facility or any owner,
62 operator, or manager of the facility has been the subject of an
63 adverse action, as defined in that section, taken at any time
64 based on an act or omission that violated the right of a
65 residential facility resident to be free from abuse, neglect, or
66 exploitation"

67 After line 87328, insert:

68 "Sec. 5119.343. (A) As used in this section, "adverse
69 action" means an action by a state, provincial, federal, or
70 other licensing or regulatory authority to deny, revoke,
71 suspend, place on probation, or otherwise restrict a license,
72 certificate, or other approval to operate a residential facility
73 or practice a health care profession.

74 (B) (1) When submitting an application for initial or
75 renewed licensure of a residential facility under section
76 5119.34 of the Revised Code, the applicant shall notify the
77 department of mental health and addiction services of any
78 adverse action taken against the residential facility or the
79 facility's owner, operator, or manager within the three-year
80 period immediately preceding the date of application.

81 (2) Not later than seven days after receiving a notice of
82 adverse action from a licensing or regulatory authority that is
83 other than the department of mental health and addiction
84 services, the holder of a residential facility license issued
85 under section 5119.34 of the Revised Code shall notify the
86 department of the action.

87 (3) To notify the department as required by this section, a
88 copy of the notice of adverse action shall be provided to the
89 department."

90 The motion was _____ agreed to.

91

SYNOPSIS

92 **Hospitals and residential facilities - conditions of**
93 **licensure**

94 **R.C. 5119.33, 5119.334, 5119.34, and 5119.343**

95 Restores the Executive version's elimination of current law
96 provisions generally prohibiting an applicant from seeking
97 OhioMHAS licensure if the applicant had been the owner,
98 operator, or manager of a residential facility for which a
99 license to operate was revoked or for which renewal was refused
100 (during the two-year period preceding the date of application).

101 Instead requires an applicant, when applying for an initial
102 hospital or residential facility license or a renewal, to notify
103 OhioMHAS of any adverse action taken against the applicant
104 during the three-year period immediately preceding the
105 application date.

106 Allows an initial hospital or residential facility license
107 to be issued only if OhioMHAS has not been notified or is not
108 otherwise aware of an adverse action taken against the applicant
109 during the three-year period.

110 In the case of a residential facility applicant, includes a
111 provision specifying that the initial license may be issued only
112 if OhioMHAS has not been notified or is not otherwise aware of
113 an adverse action taken against the applicant for resident
114 abuse, neglect, or exploitation.

115 For both hospitals and residential facilities, restores the
116 Executive version's conditions for licensure based on being
117 adequately staffed and equipped to operate.

Sub. H.B. 33
L-135-0001-5
MHACD4

_____ moved to amend as follows:

In line 37 of the title, after "340.01," insert "340.03," 1

In line 157 of the title, after "5119.34," insert "5119.35," 2

In line 229 of the title, after "5103.021," insert 3
"5119.367," 4

In line 251 of the title, after "5119.191," insert 5
"5119.361," 6

In line 653, after "340.01," insert "340.03," 7

In line 741, after "5119.34," insert "5119.35," 8

In line 794, after "5103.021," insert "5119.367," 9

After line 21811, insert: 10

"**Sec. 340.03.** (A) Subject to rules issued by the director of 11
mental health and addiction services after consultation with 12
relevant constituencies as required by division (A)(10) of section 13
5119.21 of the Revised Code, each board of alcohol, drug 14
addiction, and mental health services shall: 15

(1) Serve as the community addiction and mental health 16
planning agency for the county or counties under its jurisdiction, 17
and in so doing it shall: 18

(a) Evaluate the need for facility services, addiction services, mental health services, and recovery supports;

(b) In cooperation with other local and regional planning and funding bodies and with relevant ethnic organizations, evaluate strengths and challenges and set priorities for addiction services, mental health services, and recovery supports. A board shall include treatment and prevention services when setting priorities for addiction services and mental health services. When a board sets priorities for addiction services, the board shall consult with the county commissioners of the counties in the board's service district regarding the services described in section 340.15 of the Revised Code and shall give priority to those services, except that those services shall not have a priority over services provided to pregnant women under programs developed in relation to the mandate established in section 5119.17 of the Revised Code.

(c) In accordance with guidelines issued by the director of mental health and addiction services under division (F) of section 5119.22 of the Revised Code, annually develop and submit to the department of mental health and addiction services a community addiction and mental health plan that addresses both of the following:

(i) The needs of all residents of the service district currently receiving inpatient services in state-operated hospitals, the needs of other populations as required by state or federal law or programs, and the needs of all children subject to a determination made pursuant to section 121.38 of the Revised Code;

(ii) The department's priorities for facility services, addiction services, mental health services, and recovery supports

during the period for which the plan will be in effect. The 49
 department shall inform all of the boards of the department's 50
 priorities in a timely manner that enables the boards to know the 51
 department's priorities before the boards develop and submit the 52
 plans. 53

In alcohol, drug addiction, and mental health service 54
 districts that have separate alcohol and drug addiction services 55
 and community mental health boards, the alcohol and drug addiction 56
 services board shall submit a community addiction plan and the 57
 community mental health board shall submit a community mental 58
 health plan. Each board shall consult with its counterpart in 59
 developing its plan and address the interaction between the local 60
 addiction and mental health systems and populations with regard to 61
 needs and priorities in developing its plan. 62

The department shall approve or disapprove the plan, in whole 63
 or in part, in accordance with division (G) of section 5119.22 of 64
 the Revised Code. Eligibility for state and federal funding shall 65
 be contingent upon an approved plan or relevant part of a plan. 66

If a board determines that it is necessary to amend an 67
 approved plan, the board shall submit a proposed amendment to the 68
 director. The director shall approve or disapprove all or part of 69
 the amendment in accordance with division (H) of section 5119.22 70
 of the Revised Code. 71

The board shall operate in accordance with the plan approved 72
 by the department. 73

(d) Promote, arrange, and implement working agreements with 74
 social service agencies, both public and private, and with 75
 judicial agencies. 76

(2) Investigate, or request another agency to investigate, 77

any complaint alleging abuse or neglect of any person receiving 78
addiction services, mental health services, or recovery supports 79
from a community addiction services provider or community mental 80
health services provider or alleging abuse or neglect of a 81
resident receiving addiction services or with mental illness or 82
severe mental disability residing in a residential facility 83
licensed under section 5119.34 of the Revised Code. If the 84
investigation substantiates the charge of abuse or neglect, the 85
board shall take whatever action it determines is necessary to 86
correct the situation, including notification of the appropriate 87
authorities. Upon request, the board shall provide information 88
about such investigations to the department. 89

(3) For the purpose of section 5119.36 of the Revised Code, 90
cooperate with the director of mental health and addiction 91
services in visiting and evaluating whether the certifiable 92
services and supports of a community addiction services provider 93
or community mental health services provider satisfy the 94
certification standards established by rules adopted under that 95
section. In addition, a board may provide input and 96
recommendations to the department when an application for 97
certification or the renewal of a certification has been submitted 98
by a provider or when a provider is being investigated by the 99
department, if the board, in either of those circumstances, is 100
aware of information that would be beneficial to the department's 101
consideration of the matter. 102

(4) In accordance with criteria established under division 103
(D) of section 5119.22 of the Revised Code, conduct program audits 104
that review and evaluate the quality, effectiveness, and 105
efficiency of addiction services, mental health services, and 106
recovery supports provided by community addiction services 107
providers and community mental health services providers under 108

contract with the board and submit the board's findings and 109
recommendations to the department of mental health and addiction 110
services; 111

(5) In accordance with section 5119.34 of the Revised Code, 112
review an application for a residential facility license and 113
provide to the department of mental health and addiction services 114
any information about the applicant or facility that the board 115
would like the department to consider in reviewing the 116
application; 117

(6) Audit, in accordance with rules adopted by the auditor of 118
state pursuant to section 117.20 of the Revised Code, at least 119
annually all programs, addiction services, mental health services, 120
and recovery supports provided under contract with the board. In 121
so doing, the board may contract for or employ the services of 122
private auditors. A copy of the fiscal audit report shall be 123
provided to the director of mental health and addiction services, 124
the auditor of state, and the county auditor of each county in the 125
board's district. 126

(7) Recruit and promote local financial support for addiction 127
services, mental health services, and recovery supports from 128
private and public sources; 129

(8) In accordance with guidelines issued by the department as 130
necessary to comply with state and federal laws pertaining to 131
financial assistance, approve fee schedules and related charges or 132
adopt a unit cost schedule or other methods of payment for 133
addiction services, mental health services, and recovery supports 134
provided by community addiction services providers and community 135
mental health services providers that have contracted with the 136
board under section 340.036 of the Revised Code; 137

(9) Submit to the director and the county commissioners of 138

the county or counties served by the board, and make available to
the public, an annual report of the addiction services, mental
health services, and recovery supports under the jurisdiction of
the board, including a fiscal accounting;

(10) Establish a method for evaluating referrals for
court-ordered treatment and affidavits filed pursuant to section
5122.11 of the Revised Code in order to assist the probate
division of the court of common pleas in determining whether there
is probable cause that a respondent is subject to court-ordered
treatment and whether alternatives to hospitalization are
available and appropriate;

(11) Designate the treatment services, provider, facility, or
other placement for each person involuntarily committed to the
board pursuant to Chapter 5122. of the Revised Code. The board
shall provide the least restrictive and most appropriate
alternative that is available for any person involuntarily
committed to it and shall assure that the list of addiction
services, mental health services, and recovery supports submitted
and approved in accordance with division (B) of section 340.08 of
the Revised Code are available to persons with severe mental
disabilities residing within its service district. The board shall
establish the procedure for authorizing payment for the services
and supports, which may include prior authorization in appropriate
circumstances. In accordance with section 340.037 of the Revised
Code, the board may provide addiction services and mental health
services directly to a person with a severe mental disability when
life or safety is endangered and when no community addiction
services provider or community mental health services provider is
available to provide the service.

(12) Ensure that housing built, subsidized, renovated,

rented, owned, or leased by the board or a community addiction services provider or community mental health services provider has been approved as meeting minimum fire safety standards and that persons residing in the housing have access to appropriate and necessary services, including culturally relevant services, from a community addiction services provider or community mental health services provider. This division does not apply to residential facilities licensed pursuant to section 5119.34 of the Revised Code.

(13) Establish a mechanism for obtaining advice and involvement of persons receiving addiction services, mental health services, or recovery supports on matters pertaining to services and supports in the alcohol, drug addiction, and mental health service district;

(14) Perform the duties required by rules adopted under section 5119.22 of the Revised Code regarding referrals by the board or community mental health services providers under contract with the board of individuals with mental illness or severe mental disability to class two residential facilities licensed under section 5119.34 of the Revised Code and effective arrangements for ongoing mental health services for the individuals. The board is accountable in the manner specified in the rules for ensuring that the ongoing mental health services are effectively arranged for the individuals.

(B) Each board of alcohol, drug addiction, and mental health services shall establish such rules, operating procedures, standards, and bylaws, and perform such other duties as may be necessary or proper to carry out the purposes of this chapter.

(C) A board of alcohol, drug addiction, and mental health services may receive by gift, grant, devise, or bequest any

moneys, lands, or property for the benefit of the purposes for 199
 which the board is established, and may hold and apply it 200
 according to the terms of the gift, grant, or bequest. All money 201
 received, including accrued interest, by gift, grant, or bequest 202
 shall be deposited in the treasury of the county, the treasurer of 203
 which is custodian of the alcohol, drug addiction, and mental 204
 health services funds to the credit of the board and shall be 205
 available for use by the board for purposes stated by the donor or 206
 grantor. 207

(D) No member or employee of a board of alcohol, drug 208
 addiction, and mental health services shall be liable for injury 209
 or damages caused by any action or inaction taken within the scope 210
 of the member's official duties or the employee's employment, 211
 whether or not such action or inaction is expressly authorized by 212
 this section or any other section of the Revised Code, unless such 213
 action or inaction constitutes willful or wanton misconduct. 214
 Chapter 2744. of the Revised Code applies to any action or 215
 inaction by a member or employee of a board taken within the scope 216
 of the member's official duties or employee's employment. For the 217
 purposes of this division, the conduct of a member or employee 218
 shall not be considered willful or wanton misconduct if the member 219
 or employee acted in good faith and in a manner that the member or 220
 employee reasonably believed was in or was not opposed to the best 221
 interests of the board and, with respect to any criminal action or 222
 proceeding, had no reasonable cause to believe the conduct was 223
 unlawful. 224

(E) The meetings held by any committee established by a board 225
 of alcohol, drug addiction, and mental health services shall be 226
 considered to be meetings of a public body subject to section 227
 121.22 of the Revised Code. 228

(F)(1) A board of alcohol, drug addiction, and mental health services may establish a rule, operating procedure, standard, or bylaw to allow the executive director of the board to execute both of the following types of contracts valued at twenty-five thousand dollars or less, as determined by the board, on behalf of the board without the board's prior approval:

(a) Emergency contracts for clinical services or recovery support services;

(b) Standard service contracts pertaining to the board's operations.

(2) If a board establishes a rule, operating procedure, standard, or bylaw under division (F)(1) of this section, both of the following shall be the case:

(a) The board shall define the scope of contracts described in divisions (F)(1)(a) and (b) of this section in that rule, operating procedure, standard, or bylaw.

(b) The board shall disclose the existence of a contract executed pursuant to the rule, operating procedure, standard, or bylaw at the first board meeting that occurs after the contract was executed and ensure that a record of that disclosure is included in the written minutes of that meeting."

After line 87328, insert:

"**Sec. 5119.35.** (A) Except as provided in division (B) of this section, if a mental health service or alcohol and drug addiction service has been specified in rules adopted under this section as a service that is required to be certified, no person or government entity shall provide ~~any of the following alcohol and drug addiction services that service~~ unless the services have it

<u>has</u> been certified under section 5119.36 of the Revised Code+	257
(1) Withdrawal management addiction services provided in a setting other than an acute care hospital;	258
(2) Addiction services provided in a residential treatment setting;	259
(3) Addiction services provided on an outpatient basis.	260
(B) Division (A) of this section does not apply to either of the following:	261
(1) An individual who holds a valid license, certificate, or registration issued by this state authorizing the practice of a health care profession that includes the performance of the services <u>any service that is required to be certified as</u> described in divisions (A)(1) to (3) of this section, regardless of whether the services are <u>service is</u> performed as part of a sole proprietorship, partnership, or group practice;	262
(2) An individual who provides the services <u>any service that is required to be certified as</u> described in divisions (A)(1) to (3) of this section as part of an employment or contractual relationship with a hospital outpatient clinic that is accredited by an accreditation agency or organization approved by the director of mental health and addiction services.	263
<u>(C)(1) If the director of mental health and addiction services determines that a person or government entity is violating division (A) of this section, the director may request, in writing, that the attorney general petition the court of common pleas in the county where the person or government entity is located or providing the services to enjoin the person or government entity from engaging in the conduct that violates division (A) of this section.</u>	264
	265
	266
	267
	268
	269
	270
	271
	272
	273
	274
	275
	276
	277
	278
	279
	280
	281
	282
	283
	284
	285

(2) No person or government entity that is subject to this section is eligible to receive, for a service that is subject to this section, any federal funds, state funds, or funds administered by a board of alcohol, drug addiction, and mental health services, unless that service has been certified under section 5119.36 of the Revised Code. This limitation is in addition to the injunction that may be sought under division (C)(1) of this section for a violation of division (A) of this section. 286
287
288
289
290
291
292
293
294

(D) The director may adopt rules in accordance with Chapter 119. of the Revised Code to specify mental health services and alcohol and drug addiction services that are required to be certified under section 5119.36 of the Revised Code. 295
296
297
298

In line 87330, after the second "~~applicant~~" insert "person or government entity" 299
300

In line 87331, after "seeks" insert "initial"; strike through "its" and insert "one or more"; after "supports" insert ", or that seeks to renew certification of one or more certifiable services and supports," 301
302
303
304

In line 87334, strike through "may conduct an on-site review and"; strike through "evaluate the applicant to" 305
306

In line 87335, strike through "its certifiable services and supports satisfy" 307
308

In line 87336, after "by" insert "divisions (B) and (C) of this section and any"; after "section" insert "are satisfied or continue to be satisfied by the applicant"; strike through "The" 309
310
311

In line 87337, strike through "director shall make an evaluation, and, if" and insert "As part of the determination,"; strike through "conducts" and insert "may conduct" 312
313
314

In line 87338, strike through the first comma and insert " 315
In doing so, the director"; strike through "make" and insert 316
"conduct"; strike through the second comma 317

In line 87340, after "contract" insert "or has a contract" 318

After line 87341, insert: 319

"Not later than fourteen days after receipt of an initial or 320
renewal application, the director shall inform the board of 321
alcohol, drug addiction, and mental health services serving the 322
alcohol, drug addiction, and mental health service district in 323
which the applicant's certifiable services and supports will be 324
provided of the receipt of the application. On the board's 325
request, the director shall provide the board with a copy of the 326
application. 327

Not later than thirty days after a provider's certification 328
ceases to be valid for any reason, including the provider's 329
failure to renew the certification prior to expiration, the 330
director's acceptance of the provider's surrender of the 331
certification, or the issuance of a final order for disciplinary 332
action under division (G) or (M) of this section, the director 333
shall provide notice to the applicable board of alcohol, drug 334
addiction, and mental health services of the reason the 335
certification ceased to be valid and the date it became invalid." 336

Strike through line 87342 and insert "(B)(1) Except as 337
provided in division (B)(4) of this section, beginning on the 338
effective date of this amendment, an applicant seeking initial 339
certification of certifiable services and supports shall be 340
accredited by one or more national accrediting organizations 341
specified in division (B)(3) of this section for certifiable 342
services and supports for which national accreditation exists for 343
such services and supports or equivalent services and supports. 344

(2) Except as provided in division (B)(4) of this section, 345
beginning October 1, 2025, an applicant seeking to renew 346
certification of certifiable services and supports shall be 347
accredited by one or more national accrediting organizations 348
specified in division (B)(3) of this section for certifiable 349
services and supports for which national accreditation exists for 350
such services and supports or equivalent services and supports. 351

(3) For purposes of divisions (B)(1) and (2) of this section, 352
the director shall accept appropriate accreditation of an 353
applicant's certifiable services and supports from any of the 354
following national accrediting organizations: 355

(a) The joint commission; 356

(b) The commission on accreditation of rehabilitation 357
facilities; 358

(c) The council on accreditation; 359

(d) Any other national accrediting organization the director 360
considers appropriate. 361

(4) The accreditation requirements of divisions (B)(1) and 362
(2) of this section do not apply to an applicant seeking an 363
initial or renewed certification to provide prevention services, 364
as that term is defined in rules adopted under this section. For 365
such applicants, accreditation is optional. 366

(C) In addition to meeting the accreditation standard set 367
forth in division (B) of this section, an applicant seeking 368
initial or renewed certification of one or more certifiable 369
services and supports is eligible to receive the certification 370
only if both of the following are the case, as determined by the 371
director: 372

(1) The applicant shall have adequate staff and equipment to 373

provide the certifiable services and supports; 374

(2) The department has not been notified under section 375
5119.367 of the Revised Code or is not otherwise aware that the 376
applicant, or any owner or principal of the applicant, has been 377
the subject of an adverse action, as defined in that section, 378
taken during the three-year period immediately preceding the date 379
of application. 380

(D)(1) Except as provided in division (D)(2) of this section, 381
if the director determines that an applicant has paid any required 382
certification fee, that the applicant's accreditation of 383
certifiable services and supports is current and appropriate for 384
the services and supports for which the applicant is seeking 385
initial or renewed certification, that the applicant meets the 386
requirements of division (C) of this section, and that the 387
applicant meets any other requirements established by this section 388
or rules adopted under it, the director shall certify the services 389
and supports or renew the certification of the services and 390
supports, as applicable. Except as provided in division (J) of 391
this section, the director shall issue or renew the certification 392
without further evaluation of the services and supports. 393

(2) Prior to October 1, 2025, if an applicant that seeks to 394
renew certification of certifiable services and supports is not 395
accredited to provide those services and supports by one or more 396
national accrediting organizations specified in division (B)(3) of 397
this section, the" 398

In line 87343, after "shall" insert "conduct an evaluation of 399
the applicant to"; after "the" insert "applicant's" 400

In line 87344, strike through "of a community mental health 401
 services provider applicant" 402

In line 87345, strike through "or community addiction 403
services provider applicant" 404

In line 87346, after the period insert "The evaluation is in 405
addition to any on-site review conducted under division (A) of 406
this section and shall be performed in cooperation with a board of 407
alcohol, drug addiction, and mental health services that seeks to 408
contract or has a contract with the applicant under section 409
340.036 of the Revised Code."; after "an" insert "applicant has 410
paid any required certification fee, that the" 411

In line 87348, after "for" insert "renewed"; strike through 412
"and the applicant has paid the fee" 413

In line 87349, strike through "required by this section"; 414
after the comma insert "that the applicant meets the requirements 415
of division (C) of this section, and that the applicant meets any 416
other requirements established by this section or the rules 417
adopted under it," 418

Strike through lines 87351 through 87364 419

In line 87365, strike through "(C)" and insert: 420

"(E) For purposes of the accreditation requirements of this 421
section, both of the following apply:" 422

(1) The director may review the accrediting organizations 423
specified in division (B)(3) of this section to evaluate whether 424
the accreditation standards and processes used by the 425
organizations are consistent with service delivery models the 426
director considers appropriate for mental health services, alcohol 427
and drug addiction services, or physical health services. The 428
director may communicate to an accrediting organization any 429
identified concerns, trends, needs, and recommendations. 430

(2) The director shall require a community mental health 431

services provider and a community addiction services provider to 432
notify the director not later than ten days after any change in 433
the provider's accreditation status. The provider may notify the 434
director by providing a copy of the relevant document the provider 435
received from the accrediting organization. 436

(F) The director may require a community mental health 437
services provider or a community addiction services provider to 438
submit to the director cost reports pertaining to the provider. 439

(G)" 440

In line 87378, strike through "(D)" and insert "(H)" 441

In line 87382, strike through "that" 442

In line 87383, strike through "provides overnight" 443
accommodations"; strike through "(H)" and insert "(M)" 444

In line 87386, strike through "(E)" and insert: 445

(I) The director may conduct an on-site review or otherwise 446
evaluate a community mental health services provider or a 447
community addiction services provider at any time based on cause, 448
including complaints made by or on behalf of persons receiving 449
mental health services or alcohol and drug addiction services and 450
confirmed or alleged deficiencies brought to the attention of the 451
director. This authority does not affect the director's duty to 452
conduct the inspections required by section 5119.37 of the Revised 453
Code. 454

In conducting an on-site review under this division, the 455
director may do so in cooperation with a board of alcohol, drug 456
addiction, and mental health services that seeks to contract or 457
has a contract with the applicant under section 340.036 of the 458
Revised Code. In conducting any other evaluation under this 459
division, the director shall do so in cooperation with such a 460

<u>board.</u>	461
(J); strike through "determines that a community mental health"	462
Strike through lines 87387 and 87388	463
In line 87389, strike through all before the comma and insert " <u>proposes to take action under division (G) of this section</u> "; after the second "the" insert " <u>director shall notify the board of alcohol, drug addiction, and mental health services serving the alcohol, drug addiction, and mental health service district in which the certifiable services and supports will be or were provided, and provide the board opportunity to respond as specified in division (A) of this section with respect to initial or renewal applications.</u>	464
<u>When a final order is issued by the</u> "; after "director" insert " <u>under division (G) of this section, the director</u> "	465
In line 87392, strike through "another" and insert " <u>a</u> "	466
In line 87401, strike through "(F)" and insert " <u>(K)</u> "; strike through "community mental health services provider"	467
In line 87402, strike through "or community addiction services provider"; after "seeking" insert " <u>initial or renewed</u> "	468
In line 87403, strike through "under this"	469
In line 87404, strike through "section"	470
In line 87409, strike through "(G)" and insert " <u>(L)</u> "	471
In line 87437, after "of" strike through the balance of the line	472
In line 87438, strike through "community addiction services provider" and insert " <u>an</u> "	473
	474
	475
	476
	477
	478
	479
	480
	481
	482
	483
	484
	485
	486
	487

After line 87462, insert:	488
<u>"(l) Documentation that must be submitted as evidence of</u>	489
<u>holding appropriate accreditation;</u>	490
<u>(m) A process by which the director may review the</u>	491
<u>accreditation standards and process used by the national</u>	492
<u>accrediting organizations specified in division (B)(3) of this</u>	493
<u>section."</u>	494
In line 87465, after "of" insert " <u>initial and renewal</u> ";	495
strike through "review"; after "fees" insert " <u>and any reasons for</u>	496
<u>which applicants may be exempt from the fees"</u>	497
In line 87467, after "funds" insert " <u>i</u>	498
<u>(6) Establish a process by which the director, based on</u>	499
<u>deficiencies identified as a result of conducting an on-site</u>	500
<u>review or otherwise evaluating a community mental health services</u>	501
<u>provider or community addiction services provider under division</u>	502
<u>(I) of this section, may take any range of correction actions,</u>	503
<u>including revocation of the provider's certification"</u>	504
In line 87468, strike through "(H)(1)" and insert " <u>(M)(1)</u> "	505
In line 87476, strike through "(H)(2)(b)" and insert	506
" <u>(M)(2)(b)</u> "	507
In line 87528, strike through "(I)(1)" and insert " <u>(N)(1)</u> "	508
In line 87542, strike through "(J)" and insert " <u>(O)</u> "	509
In line 87549, strike through "(K)" and insert " <u>(P)</u> "	510
After line 87553, insert:	511
<u>"(O) If a board of alcohol, drug addiction, and mental health</u>	512
<u>services requests the department of mental health and addiction</u>	513
<u>services to investigate a community mental health services</u>	514

provider or community addiction services provider pursuant to this 515
section, the department shall initiate the investigation not later 516
than ten business days after receipt of the request. If the 517
department initiates an investigation of a community mental health 518
services provider or community addiction services provider under 519
this section for any other reason, the department shall notify the 520
board of alcohol, drug addiction, and mental health services 521
-serving the applicable alcohol, drug addiction, and mental health 522
service district of the investigation and the reason for the 523
investigation not later than three business days after the 524
investigation begins. On the board's request, the department shall 525
provide the board with information specifying the status of the 526
investigation and the final disposition of the investigation. 527

Sec. 5119.367. (A) As used in this section, "adverse action" 528
means an action by a state, provincial, federal, or other 529
licensing or regulatory authority to deny, revoke, suspend, place 530
on probation, or otherwise restrict a license, certification, or 531
other approval to provide certifiable services and supports or an 532
equivalent to certifiable services and supports. 533

(B)(1) When submitting an application for initial or renewed 534
certification of one or more certifiable services and supports, 535
the applicant shall notify the department of mental health and 536
addiction services of any adverse action taken against the 537
applicant or any owner or principal of the applicant within the 538
three-year period immediately preceding the date of application. 539

(2) Not later than seven days after receiving a notice of 540
adverse action from a licensing or regulatory authority that is 541
other than the department of mental health and addiction services, 542
an applicant for initial or renewed certification or the holder of 543
a certification issued under section 5119.36 of the Revised Code 544

shall notify the department of the action. 545

(C) To notify the department as required by this section, a 546
copy of the notice of adverse action shall be provided to the 547
department." 548

In line 87845, strike through "division (A)" 549

In line 87846, strike through "of section 5119.35,"; strike 550
through "(K)" and insert "(P)" 551

In line 108791, after "340.01," insert "340.03," 552

In line 108879, after "5119.34," insert "5119.35," 553

In line 108920, after "5119.191," insert "5119.361," 554

The motion was _____ agreed to.

SYNOPSIS

Accreditation of mental health and addiction services 555

R.C. 5119.35, 5119.36, 5119.367, and 5119.99; R.C. 5119.361 556
repealed 557

Restores various Executive provisions removed by the Senate 558
substitute bill, and makes various changes to those provisions, as 559
indicated: 560

--Restores a provision authorizing OhioMHAS to specify by 561
rule the mental health services and alcohol and drug addiction 562
services that must be certified, thereby eliminating a statutory 563
list of specific types of alcohol and drug addiction services that 564
must be certified by OhioMHAS. 565

--Eliminates the criminal penalty for providing certain 566

alcohol and drug addiction services without being certified by
OhioMHAS, as applied under current law and the Executive's
modifications described above; instead, authorizes the OhioMHAS
Director to request, in writing, that the Attorney General
petition a court of common pleas to enjoin that conduct.

--Restores a provision requiring providers to hold national
accreditation to qualify for state certification, thereby
eliminating the current law option to have accreditation be in
lieu of OhioMHAS determining whether Ohio's certification
standards have been meet; adds to the restored accreditation
requirement an exemption for prevention services. (The amendment
makes accreditation optional for prevention services.)

--Restores a provision requiring a certification applicant to
be adequately staffed.

--Adds provisions requiring a certification applicant: (1)
when applying for an initial or renewed certification, to notify
OhioMHAS of any adverse action taken against the applicant or
related persons during the three-year period immediately preceding
the application date and (2) to notify OhioMHAS within seven days
of any adverse action that has been taken. (These provisions are
in place of Executive provisions removed by the Senate substitute
bill that would have required, as a condition for certification of
certifiable services and supports by OhioMHAS, an applicant to be
in good standing during the three-year period immediately
preceding the date of application, based on a review of records
and information required to be submitted as specified in rules
that must be adopted.)

--Does not restore a provision related to OhioMHAS's
rulemaking authority pertaining to certifiable services and
supports, that provided an exemption from certain restrictions in

current law that pertain to regulatory restrictions adopted	597
through rules.	598
ADAMHS board notification regarding community service	599
providers	600
R.C. 340.03 and 5119.36	601
Adds provisions regarding ADAMHS boards and OhioMHAS's	602
certification or investigation of providers, as follows:	603
-Permits an ADAMHS board to provide input and recommendations	604
to OhioMHAS when an application for initial or renewed	605
certification has been submitted or when a provider is being	606
investigated, if the board is aware of information that would be	607
beneficial to the matter.	608
-Requires OhioMHAS to notify the applicable ADAMHS board	609
within 14 days of receipt of an initial or renewal application for	610
certification and, on the board's request, provide a copy of the	611
application.	612
-Requires OhioMHAS to notify the applicable ADAMHS board if	613
the Department refuses certification, refuses renewal, or revokes	614
certification.	615
-Requires OhioMHAS to initiate an investigation, within ten	616
business days, of a provider if an ADAMHS board requests that the	617
Department investigate the provider.	618
-Requires OhioMHAS to notify the applicable ADAMHS board,	619
within three business days, if the Department begins an	620
investigation of such a provider for any other reason.	621
-On the board's request, requires OhioMHAS to inform the	622
board of the status of the investigation and the final	623
disposition.	624

Sub. H.B. 33
L-135-0001-5
MHACD9 and MHACD11

_____ moved to amend as follows:

- In line 37 of the title, after "340.01," insert "340.032,
340.033, 340.034," 1
2
- In line 158 of the title, after "5119.37," insert "5119.48," 3
- In line 229 of the title, after "5103.021," insert "5119.39,
5119.391, 5119.392, 5119.393, 5119.394, 5119.395, 5119.396,
5119.397," 4
5
6
- In line 653, after "340.01," insert "340.032, 340.033,
340.034," 7
8
- In line 741, after "5119.37," insert "5119.48," 9
- In line 794, after "5103.021," insert "5119.39, 5119.391,
5119.392, 5119.393, 5119.394, 5119.395, 5119.396, 5119.397," 10
11
- In line 21762, after "illness," insert "recovery housing
residence," 12
13
- Strike through line 21770 14
- In line 21771, strike through "recovering from"; delete
"alcohol use disorder"; strike through "or drug addiction" 15
16
- Strike through lines 21772 and 21773 17
- In line 21774, strike through "services, and other"; delete 18

" <u>recovery assistance for alcohol use</u> "	19
In line 21775, delete " <u>disorder</u> "; strike through "and drug	20
addiction"; strike through the period	21
After line 21811, insert:	22
" Sec. 340.032. Subject to rules adopted by the director of	23
mental health and addiction services after consultation with	24
relevant constituencies as required by division (A)(10) of section	25
5119.21 of the Revised Code, each board of alcohol, drug	26
addiction, and mental health services shall do all of the	27
following:	28
(A) Establish, to the extent resources are available, a	29
community-based continuum of care that includes all of the	30
following as essential elements:	31
(1) Prevention and wellness management services;	32
(2) At least both of the following outreach and engagement	33
activities:	34
(a) Locating persons in need of addiction services and	35
persons in need of mental health services to inform them of	36
available addiction services, mental health services, and recovery	37
supports;	38
(b) Helping persons who receive addiction services and	39
persons who receive mental health services obtain services	40
necessary to meet basic human needs for food, clothing, shelter,	41
medical care, personal safety, and income.	42
(3) Assessment services;	43
(4) Care coordination;	44
(5) Residential services;	45

(6) At least the following outpatient services:	46
(a) Nonintensive;	47
(b) Intensive, such as partial hospitalization and assertive community treatment;	48 49
(c) Withdrawal management;	50
(d) Emergency and crisis.	51
(7) Where appropriate, at least the following inpatient services:	52 53
(a) Psychiatric care;	54
(b) Medically managed alcohol or drug treatment.	55
(8) At least all of the following recovery supports:	56
(a) Peer support;	57
(b) A wide range of housing and support services, including recovery housing <u>residences</u> ;	58 59
(c) Employment, vocational, and educational opportunities;	60
(d) Assistance with social, personal, and living skills;	61
(e) Multiple paths to recovery such as twelve-step approaches and parent advocacy connection;	62 63
(f) Support, assistance, consultation, and education for families, friends, and persons receiving addiction services, mental health services, and recovery supports.	64 65 66
(9) In accordance with section 340.033 of the Revised Code, an array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction;	67 68 69
(10) Any additional elements the department of mental health and addiction services, pursuant to section 5119.21 of the Revised	70 71

Code, determines are necessary to establish the community-based 72
continuum of care. 73

(B) Ensure that the rights of persons receiving any elements 74
of the community-based continuum of care are protected; 75

(C) Ensure that persons receiving any elements of the 76
community-based continuum of care are able to utilize grievance 77
procedures applicable to the elements. 78

Sec. 340.033. The array of addiction services and recovery 79
supports for all levels of opioid and co-occurring drug addiction 80
required by section 340.032 of the Revised Code to be included in 81
a community-based continuum of care established under that section 82
shall include at least ambulatory and sub-acute detoxification, 83
non-intensive and intensive outpatient services, 84
medication-assisted treatment, peer support, residential services, 85
recovery housing residences pursuant to section 340.034 of the 86
Revised Code, and multiple paths to recovery such as twelve-step 87
approaches. The services and supports shall be made available in 88
the service district of each board of alcohol, drug addiction, and 89
mental health services, except as provided by either of the 90
following: 91

(A) Sub-acute detoxification and residential services may be 92
made available through a contract with one or more providers of 93
sub-acute detoxification or residential services located in other 94
service districts. 95

(B) To the extent authorized by a time-limited waiver issued 96
under section 5119.221 of the Revised Code, ambulatory 97
detoxification and medication-assisted treatment may be made 98
available through a contract with one or more community addiction 99
services providers located not more than thirty miles beyond the 100

borders of the board's service district. 101

The services and supports shall be made available in a manner 102
 that ensures that recipients are able to access the services and 103
 supports they need for opioid and co-occurring drug addiction in 104
 an integrated manner and in accordance with their assessed needs 105
 when changing or obtaining additional addiction services or 106
 recovery supports for such addiction. An individual seeking a 107
 service or support for opioid and co-occurring drug addiction 108
 included in a community-based continuum of care shall not be 109
 denied the service or support on the basis of the individual's 110
 prior experience with the service or support. 111

Sec. 340.034. All of the following apply to ~~the~~ recovery 112
 housing residences required by section 340.033 of the Revised Code 113
 to be part of included opioid and co-occurring drug addiction 114
 services and recovery supports: 115

(A) ~~The~~ A recovery housing residence shall comply with the 116
requirements of being monitored by the department of mental health 117
and addiction services under sections 5119.39 to 5119.396 of the 118
Revised Code and any rules adopted under section 5119.397 of the 119
Revised Code, but the residence is not ~~be~~ subject to residential 120
 facility licensure by the department ~~of mental health and~~ 121
~~addiction services~~ under section 5119.34 of the Revised Code. 122

(B) ~~The recovery housing shall not be subject to~~ 123
~~certification as a recovery support under section 5119.36 of the~~ 124
~~Revised Code.~~ 125

~~(C) The~~ A recovery housing residence shall not be ~~owned and~~ 126
 operated by a board of alcohol, drug addiction, and mental health 127
 services unless any of the following applies: 128

(1) The board ~~owns and operates~~ operated the recovery housing 129

residence on July 1, 2017. 130

(2) The board utilizes local funds in the development, 131
~~purchase,~~ or operation of the recovery housing residence. 132

(3) The board determines that there is a need for the board 133
to assume ~~the ownership and~~ operation of the recovery housing 134
residence, such as when an existing ~~owner and~~ operator of the 135
~~recovery housing~~ residence goes out of business, and the board 136
considers the assumption of ~~ownership and~~ operation of the 137
~~recovery housing~~ residence to be in the best interest of the 138
community. 139

~~(D)~~ (C) A recovery housing residence shall have protocols 140
for all of the following: 141

(1) Administrative oversight; 142

(2) Quality standards; 143

(3) Policies and procedures, including house rules, for its 144
residents to which the residents must agree to adhere. 145

~~(E)~~ (D) Family members of ~~the~~ a resident of a recovery 146
~~housing's residents~~ housing residence may reside in the ~~recovery~~ 147
~~housing~~ residence to the extent permitted by protocols of the 148
~~recovery housing's protocols permit~~ residence. 149

~~(F)~~ (E) A recovery housing residence shall not limit a 150
resident's duration of stay to an arbitrary or fixed amount of 151
time. Instead, each resident's duration of stay shall be 152
determined by the resident's needs, progress, and willingness to 153
abide by the ~~recovery housing's~~ residence's protocols, in 154
collaboration with the ~~recovery housing's owner and~~ residence's 155
operator, and, if appropriate, in consultation and integration 156
with a community addiction services provider. 157

~~(G)~~ (F) A recovery housing residence may permit its 158

residents to receive medication-assisted treatment. 159

~~(H)(G)~~ A resident of a recovery housing resident residence 160
 may receive addiction services that are certified by the 161
 department ~~of mental health and addiction services~~ under section 162
 5119.36 of the Revised Code." 163

In line 86587, after "(17)" insert "Recovery housing 164
residence" means a residence for individuals recovering from 165
 alcohol use disorder or drug addiction that provides an 166
 alcohol-free and drug-free living environment, peer support, 167
 assistance with obtaining alcohol and drug addiction services, and 168
 other recovery assistance for alcohol use disorder and drug 169
 addiction. 170

(18)" 171

In line 86594, strike through "(18)(a)"; after "~~Residence~~" 172
 insert "(19)(a)"; after "to" insert "a recovery housing residence 173
or" 174

In line 87375, after "(3)" insert "The applicant or holder 175
has been found to be in violation of section 5119.396 of the 176
Revised Code; 177

(4)" 178

After line 87756, insert: 179

"Sec. 5119.39. (A) The department of mental health and 180
addiction services shall monitor the operation of recovery housing 181
in this state by doing either of the following: 182

(1) Certifying recovery housing residences through a process 183
established by the department; 184

(2) Accepting accreditation, or its equivalent for recovery 185
housing, from one or more of the following: 186

(a) The Ohio affiliate of the national alliance for recovery residences; 187
188

(b) Oxford house, inc.; 189

(c) Any other organization that is designated by the department for purposes of this section. 190
191

(B) If the department certifies recovery housing residences, the department shall, in rules adopted under section 5119.397 of the Revised Code, establish requirements for initial certification and renewal certification, as well as grounds and procedures for disciplinary action against operators of recovery housing residences. 192
193
194
195
196
197

Sec. 5119.391. (A) The department of mental health and addiction services shall monitor the establishment of recovery housing residences in this state. 198
199
200

(B) For purposes of division (A) of this section, and within the timeframe specified in division (C) of this section, each person or government entity that will operate a recovery housing residence on or after the effective date of this section, including any recovery housing that was established and in operation prior to the effective date of this section, shall file with the department, on a form prescribed by the department, all of the following information: 201
202
203
204
205
206
207
208

(1) The name of the recovery housing residence and any other name under which the residence does business; 209
210

(2) The address of the recovery housing residence; 211

(3) The name of the person or government entity operating the residence; 212
213

(4) The primary telephone number and electronic mail address 214

<u>for the recovery housing operator;</u>	215
<u>(5) The date the recovery housing residence was first occupied, or will be occupied, by its first resident;</u>	216
<u>(6) Information related to any existing accreditation or its equivalent that the recovery housing residence has obtained or is in the process of obtaining;</u>	218
<u>(7) Any other information the department considers appropriate.</u>	219
<u>(7) Any other information the department considers appropriate.</u>	220
<u>(C) The form required by division (B) of this section shall be filed with the department as follows:</u>	221
<u>(1) For a recovery housing residence that began operating before the effective date of this section, not later than thirty days after the effective date of this section;</u>	222
<u>(1) For a recovery housing residence that began operating before the effective date of this section, not later than thirty days after the effective date of this section;</u>	223
<u>(2) For a recovery housing residence that will begin operating on or after the effective date of this section, not later than thirty days after the first resident begins occupying the residence.</u>	224
<u>(2) For a recovery housing residence that will begin operating on or after the effective date of this section, not later than thirty days after the first resident begins occupying the residence.</u>	225
<u>(D) If the department accepts accreditation or its equivalent from an organization specified in section 5119.39 of the Revised Code, the department may provide copies of forms filed in accordance with this section to any such organization.</u>	226
<u>(D) If the department accepts accreditation or its equivalent from an organization specified in section 5119.39 of the Revised Code, the department may provide copies of forms filed in accordance with this section to any such organization.</u>	227
<u>Sec. 5119.392. (A) Beginning January 1, 2025, no person or government entity shall operate a recovery housing residence unless either of the following applies:</u>	228
<u>(1)(a) If the department of mental health and addiction services certifies recovery housing residences, the recovery housing residence is certified by the department.</u>	229
<u>(1)(a) If the department of mental health and addiction services certifies recovery housing residences, the recovery housing residence is certified by the department.</u>	230
<u>(1)(a) If the department of mental health and addiction services certifies recovery housing residences, the recovery housing residence is certified by the department.</u>	231
<u>(1)(a) If the department of mental health and addiction services certifies recovery housing residences, the recovery housing residence is certified by the department.</u>	232
<u>(1)(a) If the department of mental health and addiction services certifies recovery housing residences, the recovery housing residence is certified by the department.</u>	233
<u>(1)(a) If the department of mental health and addiction services certifies recovery housing residences, the recovery housing residence is certified by the department.</u>	234
<u>(1)(a) If the department of mental health and addiction services certifies recovery housing residences, the recovery housing residence is certified by the department.</u>	235
<u>(1)(a) If the department of mental health and addiction services certifies recovery housing residences, the recovery housing residence is certified by the department.</u>	236
<u>(1)(a) If the department of mental health and addiction services certifies recovery housing residences, the recovery housing residence is certified by the department.</u>	237
<u>(1)(a) If the department of mental health and addiction services certifies recovery housing residences, the recovery housing residence is certified by the department.</u>	238
<u>(1)(a) If the department of mental health and addiction services certifies recovery housing residences, the recovery housing residence is certified by the department.</u>	239
<u>(1)(a) If the department of mental health and addiction services certifies recovery housing residences, the recovery housing residence is certified by the department.</u>	240
<u>(1)(a) If the department of mental health and addiction services certifies recovery housing residences, the recovery housing residence is certified by the department.</u>	241

(b) If the department accepts accreditation or its equivalent from an organization specified in section 5119.39 of the Revised Code, the residence is accredited by such an organization. 242
243
244

(2) The recovery housing residence has been operating for not more than eighteen months and is actively engaged in efforts to obtain certification or accreditation, as applicable. For purposes of identifying this eighteen-month timeframe, a recovery housing residence is considered to begin operating on the date that the first resident occupies the residence, as specified on the form filed in accordance with section 5119.391 of the Revised Code. 245
246
247
248
249
250
251

(B) If the director of mental health and addiction services determines that a recovery housing residence is operating in violation of this section, the director may request, in writing, that the attorney general petition the court of common pleas of the county in which the recovery housing residence is located for an order enjoining operation of the recovery housing residence. 252
253
254
255
256
257

Sec. 5119.393. (A) The department of mental health and addiction services shall establish a procedure to receive and investigate complaints from residents, staff, and the public regarding recovery housing residences. The department may contract with one or more of the organizations specified in section 5119.39 of the Revised Code to fulfill some or all of the functions associated with receiving and investigating complaints. 258
259
260
261
262
263
264

(B) Any organization under contract with the department to receive and investigate complaints shall make reports to the department as follows: 265
266
267

(1) Not less than monthly, the contractor shall report the status of each pending investigation and shall report the outcome of each investigation that has been completed since the last 268
269
270

report was made; 271

(2) As soon as practicable, but not later than ten days after 272
making an adverse decision, if a contractor's accreditation or its 273
equivalent is accepted by the department for purposes of section 274
5119.39 of the Revised Code, the contractor shall report that 275
decision to the department in a manner prescribed by the 276
department. 277

Sec. 5119.394. (A) The department of mental health and 278
addiction services shall establish and maintain a registry of 279
recovery housing residences that meet the criteria described in 280
division (A)(1) or (2) of section 5119.392 of the Revised Code. 281
For each residence, the registry shall include all of the 282
following: 283

(1) Any information from the form required by division (B) of 284
section 5119.391 of the Revised Code that the department chooses 285
to include in the registry; 286

(2) If a complaint received under section 5119.393 of the 287
Revised Code has been investigated and substantiated, a 288
description of the complaint, the date the complaint was submitted 289
to the department or its contractor, and the outcome of the 290
investigation; 291

(3) Any other information the department considers 292
appropriate. 293

(B) The department shall immediately remove from the registry 294
a recovery housing residence that ceases to meet the criteria 295
described in division (A)(1) or (2) of section 5119.392 of the 296
Revised Code, including if the criteria described in those 297
divisions ceases to be met because the residence has had its 298
certification or accreditation, as applicable, revoked or not 299

renewed. 300

(C) The department shall make the registry available to the public on the department's web site. 301
302

Sec. 5119.395. (A) Beginning January 1, 2025, no person or government entity shall advertise or represent any residence or other building to be a recovery housing residence, sober living home, or any other alcohol and drug free housing for persons recovering from alcohol use disorder or drug addiction unless the residence or building meets either of the following conditions: 303
304
305
306
307
308

(1) The residence or building is on the registry established and maintained under section 5119.394 of the Revised Code; 309
310

(2) The residence or building is regulated by the department of rehabilitation and correction under section 2967.14 of the Revised Code. 311
312
313

(B) If the director of mental health and addiction services determines that a person or government entity is violating division (A) of this section, the director may request, in writing, that the attorney general petition the court of common pleas of the county where the person or government entity is operating the residence or other building to enjoin that person or government entity from engaging in the conduct that violates division (A) of this section. 314
315
316
317
318
319
320
321

Sec. 5119.396. Beginning January 1, 2025, community addiction services providers and community mental health services providers shall not refer clients to a recovery housing residence unless the residence is on the registry established and maintained under section 5119.394 of the Revised Code on the date that the referral is made. Community addiction services providers and community 322
323
324
325
326
327

mental health services providers shall maintain records of all 328
referrals made to recovery housing residences. 329

Sec. 5119.397. The director of mental health and addiction 330
services may adopt rules in accordance with Chapter 119. of the 331
Revised Code to implement sections 5119.39 to 5119.396 of the 332
Revised Code. 333

Sec. 5119.48. (A) The department of mental health and 334
addiction services shall create the all roads lead to home 335
program. The program shall include all of the following 336
initiatives: 337

(1) A media campaign. As part of the campaign, the department 338
shall develop public service announcements and shall make the 339
announcements available to television and radio media outlets. The 340
announcements shall be made available beginning on January 1, 341
2018, and at least twice annually, once between January and March 342
of each year, and once in September of each year as part of 343
national recovery month. 344

(2) A web site as described in division (C) of this section; 345

(3) A twenty-four-hour hotline, that is operated by a call 346
center, for the purpose of helping individuals access addiction 347
services. 348

(B) The media campaign described in division (A)(1) of this 349
section shall do all of the following: 350

(1) Include messages to reduce the stigma associated with 351
seeking help for drug addiction; 352

(2) Provide directions for people who are in need of drug 353
addiction assistance to a web-based location that includes all of 354

the following:	355
(a) Information on where to find help for drug addiction;	356
(b) Information on intervention and referral options;	357
(c) Contact information for county board drug addiction assistance authorities.	358 359
(3) Prioritize its efforts in media markets that have the highest rates of drug overdose deaths in this state;	360 361
(4) Utilize television and radio public service announcements provided to media outlets, as well as internet advertising models such as low-cost social media outlets.	362 363 364
(C) Before January 1, 2018, the department shall create a web site as described in division (A)(2) of this section that offers all of the following components:	365 366 367
(1) If reasonably available for use, an evidence-based self-reporting screening tool approved by the department's medical director;	368 369 370
(2) Community detoxification and withdrawal management options and community treatment options;	371 372
(3) A searchable database of certified substance abuse providers organized by zip code;	373 374
(4) Information on recovery supports, including recovery housing <u>residences</u> ;	375 376
(5) Clinical information regarding what a person may expect during detoxification, withdrawal, and treatment.	377 378
(D) The department may contract with private vendors for the creation and maintenance of the interactive web site described in division (C) of this section."	379 380 381

In line 108791, after "340.01," insert "340.032, 340.033,
340.034," 382
383

In line 108879, after "5119.37," insert "5119.48," 384

In line 228861, delete "Of" and insert: 385

"(A) As used in this section, "recovery housing residence"
has the same meaning as in section 5119.01 of the Revised Code. 386
387

(B) Of the foregoing appropriation item 336424, Recovery
Housing, up to \$3,000,000 in each fiscal year shall be used as 388
follows: 389
390

(1) To expand, support access to, as well as assist the
operators of recovery housing residences in their efforts to
improve the quality of recovery housing residences in this state.
The Director of Mental Health and Addiction Services may provide
funds from this appropriation item to such operators for the
purpose of defraying costs associated with attaining certification
or accreditation, as applicable, under section 5119.39 of the
Revised Code. 391
392
393
394
395
396
397
398

(2) To implement sections 5119.39 to 5119.397 of the Revised
Code. 399
400

(C) Of" 401

Delete lines 228867 through 228874 402

The motion was _____ agreed to.

SYNOPSIS

Monitoring of recovery housing residences 403

R.C. 5119.39 to 5119.397 and 5119.99; conforming changes in 404

other sections	405
Restores Executive-added provisions removed by the Senate	406
substitute bill that require OhioMHAS to monitor the operation of	407
recovery housing residences by establishing a certification	408
process through OhioMHAS or accepting accreditation from outside	409
organizations, but with the following changes:	410
--Regarding the registry of recovery housing:	411
(1) Requires it to include information from the form created	412
under the bill that OhioMHAS chooses to include in the registry,	413
instead of all information on the form, and information regarding	414
complaints that have been substantiated after investigation,	415
instead of all complaints that have been investigated;	416
(2) Authorizes the OhioMHAS Director to request, in writing,	417
that the Attorney General petition a court of common pleas to	418
enjoin the prohibited conduct (this is in place of a criminal	419
penalty for advertising that a residence or building is recovery	420
housing if it is not included on the registry, as proposed by the	421
Executive).	422
--Regarding recovery housing residences that operate without	423
being certified or accredited, requires that a written request be	424
made to the Attorney General to petition for an injunction,	425
instead of authorizing the OhioMHAS Director to petition directly,	426
as proposed by the Executive. (The amendment does not restore a	427
criminal penalty related to such a violation).	428
--Regarding rulemaking, the amendment does not restore an	429
exemption from certain restrictions in current law that pertain to	430
regulatory restrictions adopted through rules.	431
Department of Mental Health and Addiction Services	432
Section 337.70	433

Modifies earmarking language in GRF ALI 336424 as follows: 434
(1) removes Senate-added language that required ALI 336424 to 435
instead be used to expand and support access to recovery housing 436
and required OhioMHAS to develop procedures for capital 437
expenditures that are consistent with current community capital 438
assistance guidelines and (2) instead, requires up to \$3,000,000 439
in each fiscal year be used to expand and support access to 440
recovery housing residences, to assist the operators of recovery 441
housing residences, to defray costs associated with attaining 442
certification or accreditation, and also to implement the 443
certification or accreditation process for recovery housing 444
residences. 445

_____ moved to amend as follows:

1 In line 1854, delete "for each of"

2 In line 1855, delete "the categories listed below" and
3 insert "and indicate whether the data used throughout the report
4 is proposed, estimated, or actual data for the current or
5 proposed budget biennium"

6 In line 1859, delete "all of the following categories:"

7 In line 1860, delete "(a) Eligibility" and insert
8 "eligibility"; delete the underlined semicolon

9 In line 1861, delete "(b) Service" and insert ", service";
10 delete "category and subcategory;"

11 Delete line 1862

12 In line 1863, delete everything before the period and
13 insert ", medicaid provider, and program"

14 In line 11475, after "include" insert "proposed, actual, or
15 estimated"

16 In line 11477, delete "preceding" and insert "current"

17 In line 11478, delete "director" and insert "directors"

18 In line 11486, delete "category" and insert "group and
19 subgroup"

SC2718

20 In line 11493, delete "category" and insert "group and
21 subgroup"

22 In line 11494, delete "category" and insert "group and
23 subgroup"

24 In line 11502, after "group" insert "and subgroup"

25 In line 11506, after "group" insert "and subgroup"

26 In line 11508, delete "and" and insert an underlined comma

27 In line 11509, after the first "provider" insert "and
28 program"

29 In line 11515, delete "category" and insert "group and
30 subgroup"

31 In line 11536, delete "quarterly"

32 The motion was _____ agreed to.

33 SYNOPSIS

34 **Medicaid Caseload and Expenditure Forecast report**

35 **R.C. 107.033 and 126.021**

36 Modifies a provision in the Senate substitute version of
37 the bill regarding the new Medicaid Caseload and Expenditure
38 Forecast report as follows:

39 1. Requires the report to indicate whether the data used is
40 proposed, estimated, or actual data;

41 2. Makes technical corrections.

_____ moved to amend as follows:

1 In line 226205, delete "\$6,100,000" and insert "\$6,000,000"

2 In line 226218, subtract \$100,000 from fiscal year 2024

3 In line 226246, subtract \$100,000 from fiscal year 2024

4 The motion was _____ agreed to.

5 SYNOPSIS

6 **Department of Health**

7 **Section 291.10**

8 Decreases Fund 5CV3 ALI 440699, ARPA Public Health
9 Laboratory, by \$100,000 in FY 2024.

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 86 of the title, after "3353.02," insert "3354.121," 1

In line 689, after "3353.02," insert "3354.121," 2

After line 49633, insert: 3

"**Sec. 3354.121.** (A)(1) Each community college district may 4
acquire, by purchase, lease, lease-purchase, lease with option to 5
purchase, or otherwise, construct, equip, furnish, reconstruct, 6
alter, enlarge, remodel, renovate, rehabilitate, improve, 7
maintain, repair, and operate, and lease to or from others, 8
auxiliary facilities or education facilities, except housing and 9
dining facilities, and may pay for the facilities out of available 10
receipts of such district. To pay all or part of the costs of 11
auxiliary facilities or education facilities, except housing and 12
dining facilities, and any combination of them, and to refund 13
obligations previously issued for such purpose, each community 14
college district may issue obligations in the manner provided by 15
and subject to the applicable provisions of section 3345.12 of the 16
Revised Code. 17

(2) A community college district that is located either 18
within one mile of a four-year private, nonprofit institution of 19
higher education in the state or within one-quarter mile of a 20

facility that, on January 1, 2023, rented at least seventy-five 21
rooms to students at such district, may acquire, by purchase, 22
 lease, lease-purchase, lease with option to purchase, or 23
 otherwise, construct, equip, furnish, reconstruct, alter, enlarge, 24
 remodel, renovate, rehabilitate, improve, maintain, repair, and 25
 operate, and lease to or from others, housing and dining 26
 facilities, and may pay for the facilities out of the available 27
 receipts of such district. To pay all or part of the costs of the 28
 housing and dining facilities, and to refund obligations 29
 previously issued for such purpose, the community college district 30
 may issue obligations in the manner provided by and subject to the 31
 applicable provisions of section 3345.12 of the Revised Code. 32

(B) Except as otherwise provided in this section, the 33
 definitions set forth in section 3345.12 of the Revised Code apply 34
 to this section. 35

(C) Fee variations provided for in division (G) of section 36
 3354.09 of the Revised Code need not be applied to fees pledged to 37
 secure obligations. 38

(D) The obligations authorized by this section are not bonded 39
 indebtedness of the community college district, shall not 40
 constitute general obligations or the pledge of the full faith and 41
 credit of such district, and the holders or owners thereof shall 42
 have no right to require the board to levy or collect any taxes 43
 for the payment of bond service charges, but they shall have the 44
 right to payment thereof solely from the available receipts and 45
 funds pledged for such payment as authorized by section 3345.12 of 46
 the Revised Code and this section. 47

The bond proceedings may provide the method whereby the 48
 general administrative overhead expense of the district shall be 49
 allocated among the several operations and facilities of the 50

district for purposes of determining any operating and maintenance 51
 expenses payable from the pledged available receipts prior to the 52
 provision for payment of bond service charges, and for other 53
 purposes of the bond proceedings. 54

(E) The powers granted in this section are in addition to any 55
 other powers at any time granted by the Constitution and laws of 56
 the state, and not in derogation thereof or restrictions thereon." 57

In line 108827, after "3353.02," insert "3354.121, 58

The motion was _____ agreed to.

SYNOPSIS

Community college housing and dining facilities 59

R.C. 3354.121 60

Permits a community college district to acquire, lease, or 61
 construct housing and dining facilities if the district is located 62
 within one-quarter mile of a facility that, on January 1, 2023, 63
 rented at least 75 rooms to students at the district. 64

SC2733X1

18 Earmarks \$300,000 in each fiscal year to be distributed
19 from GRF ALI 055501, Rape Crisis Centers, to the Cleveland Rape
20 Crisis Center to provide services for at-risk youth through the
21 Cleveland Rape Crisis Center Human Trafficking Drop-in Center.

_____ moved to amend as follows:

1 After line 236002, insert:

2 **"Section 803.____.** The amendment by this act of section
3 5715.012 of the Revised Code applies to tax year 2023 and each
4 tax year thereafter.

5 Notwithstanding any provision of the Revised Code to the
6 contrary, the Tax Commissioner shall modify the determinations
7 made under section 5715.24 of the Revised Code in tax year 2023
8 to comply with the amendment by this act of section 5715.012 of
9 the Revised Code and, within fifteen days after the effective
10 date of this section, shall transmit to each applicable county
11 auditor a statement reflecting that updated determination in the
12 same manner as required in section 5715.25 of the Revised Code.
13 A county auditor may appeal the updated determination by filing
14 an appeal within thirty days after the receipt of such statement
15 in the same manner as authorized in section 5715.251 of the
16 Revised Code. In any county that receives an updated
17 determination under this section, the time for delivery of the
18 tax duplicate of the county treasurer by the county auditor as
19 provided in section 319.28 of the Revised Code shall be extended

20 to the first Monday in December and may be extended further in
21 accordance with section 323.17 of the Revised Code. The times
22 for payment of taxes for both the first-half and second-half
23 collection periods shall similarly be extended in the same
24 manner as other delays in the delivery of the tax list under
25 that section."

26 The motion was _____ agreed to.

27 SYNOPSIS

28 **Property tax sales-assessment ratio studies**

29 **Section 803. __**

30 Specifies that a provision added in the Senate substitute
31 bill to revise the data used in property tax-related "sales-
32 assessment ratio studies" will apply beginning with the 2023 tax
33 year.

34 Requires the Tax Commissioner to reevaluate 2023 property
35 tax values to comply with the bill's changes and to recertify
36 any updated property tax values to the affected counties.

_____ moved to amend as follows:

1 In line 230 of the title, after "5124.75," insert
2 "5126.0223,"

3 In line 794, after "5124.75," insert "5126.0223,"

4 After line 89292, insert:

5 "Sec. 5126.0223. (A) As used in this section, "electronic
6 communication" means live, audio-enabled communication that
7 permits the board members attending a meeting, the board members
8 present in person at the place where the meeting is conducted,
9 and all members of the public present in person at the place
10 where the meeting is conducted to simultaneously communicate
11 with each other during the meeting.

12 (B) Notwithstanding division (C) of section 121.22 and
13 section 5126.029 of the Revised Code, each county board of
14 developmental disabilities may establish a policy that allows
15 board members to attend a meeting of the county board via means
16 of electronic communication. The policy shall specify at least
17 all of the following:

18 (1) The number of regular meetings at which each board
19 member shall be present in person, which may not be less than
20 one-half of the regular meetings of the county board annually;

21 (2) All of the following minimum standards regarding a
22 meeting conducted using means of electronic communication:

23 (a) That at least one-third of the board members attending
24 the meeting shall be present in person at the place where the
25 meeting is conducted;

26 (b) That all votes taken at the meeting are taken by roll
27 call vote;

28 (c) That a board member who intends to attend a meeting via
29 means of electronic communication notifies the chairperson of
30 that intent not less than forty-eight hours before the meeting,
31 except in the case of a declared emergency.

32 (C) Notwithstanding division (C) of section 121.22 and
33 section 5126.029 of the Revised Code, a board member who attends
34 a meeting via means of electronic communication is considered to
35 be present at the meeting, is counted for purposes of
36 establishing a quorum, and may vote at the meeting.

37 (D) Except as otherwise provided in this section, no person
38 shall limit the number of board members who may attend a meeting
39 via means of electronic communication, limit the total number of
40 meetings that the board may conduct using means of electronic
41 communication, limit the number of meetings in which any one

42 board member may attend via means of electronic communication,
43 or impose other limits or obligations on a board member by
44 virtue of the board member's attending a meeting via means of
45 electronic communication."

46 The motion was _____ agreed to.

47 SYNOPSIS

48 **County board of developmental disabilities remote meetings**

49 **R.C. 5126.0223**

50 Permits county boards of developmental disabilities to
51 establish policies that allow board members to attend meetings
52 of the county board via means of electronic communication.

53 If a county board adopts a policy described above, requires
54 the policy to meet specified requirements.

55 Specifies that a board member who attends a meeting via
56 means of electronic communication is considered present at the
57 meeting, is counted for purposes of establishing a quorum, and
58 may vote at the meeting.

Sub. H.B. 33
L-135-0001-5
BORCD36

_____ moved to amend as follows:

- In line 3 of the title, delete "106.01," 1
- In line 11 of the title, delete "121.953," 2
- In line 46 of the title, delete "1506.01," 3
- In line 47 of the title, delete "1521.01," 4
- In line 84 of the title, delete "3345.033, "; delete 5
"3345.14," 6
- In line 85 of the title, delete "3345.57," 7
- In line 86 of the title, delete "3345.69," 8
- In line 108 of the title, delete "3798.12," 9
- In line 221 of the title, delete "3345.034," 10
- In line 627, delete "106.01," 11
- In line 633, delete "121.953," 12
- In line 660, delete "1506.01," 13
- In line 661, delete "1521.01," 14
- In line 688, delete "3345.033, "; delete "3345.14," 15
- In line 689, delete "3345.57, 3345.69," 16
- In line 705, delete "3798.12," 17

In line 788, delete "3345.034,"	18
Delete lines 1477 through 1500	19
In line 3501, delete " <u>or</u> "; reinsert ", state"	20
Reinsert line 3502	21
In line 3503, reinsert "college district, or state community college"	22 23
In line 3505, after the first comma delete the balance of the line	24 25
Delete line 3506	26
In line 3507, delete " <u>college,</u> "	27
In line 3529, after the period reinsert the balance of the line	28 29
Reinsert lines 3530 and 3531	30
Delete lines 6376 through 6409	31
In line 10134, reinsert "under section"	32
In line 10135, reinsert "111.15" delete " <u>in accordance with Chapter 119.</u> "	33 34
Delete lines 27824 through 27902	35
Delete lines 28400 through 28516	36
Delete lines 48994 through 49072	37
Delete lines 49118 through 49203	38
Delete lines 49466 through 49482	39
Delete lines 49506 through 49552	40
Delete lines 60080 through 60136	41
In line 108765, delete "106.01,"	42

In line 108771, delete "121.953," 43

In line 108798, delete "1506.01," 44

In line 108799, delete "1521.01," 45

In line 108826, delete "3345.033, "; delete "3345.14," 46

In line 108827, delete "3345.57, 3345.69," 47

In line 108843, delete "3798.12," 48

In line 109158, delete "or"; reinsert ", state" 49

Reinsert line 109159 50

In line 109160, reinsert "college district, or state
community college" 51
52

In line 109162, after the first comma delete the balance of
the line 53
54

Delete line 109163 55

In line 109164, delete "college," 56

In line 109186, after the period reinsert the balance of the
line 57
58

Reinsert lines 109187 and 109188 59

The motion was _____ agreed to.

SYNOPSIS

State institution of higher education rule adoption 60

R.C. 106.01, 121.953, 1506.01, 1521.01, 3345.033, 3345.034, 61
3345.14, 3345.57, 3345.69, and 3798.12 (all removed), with 62
conforming changes in R.C. 111.15 and 124.14 63

Removes the Senate proposed requirements that (1) state 64
institutions of higher education adopt rules in accordance with 65
the Administrative Procedure Act (APA) and readopt rules 66
previously adopted under R.C. 111.15 under the APA; (2) rules not 67
readopted or rescinded by July 1, 2024, are invalidated; (3) the 68
state institutions develop a base inventory of regulatory 69
restrictions and comply with the two-for-one rule regarding 70
regulatory restrictions, with certain exceptions; (4) the state 71
institutions' regulatory restrictions in place as of July 1, 2025, 72
be included in the statewide regulatory restriction cap and the 73
state institution cannot adopt a rule causing the state to exceed 74
the cap. 75

Sub. H.B. 33
L_135_0001-5

_____ moved to amend as follows:

In line 22 of the title, after "131.58," insert "133.07," 1

In line 642, after "131.58," insert "133.07," 2

After line 12601, insert: 3

"**Sec. 133.07.** (A) A county shall not incur, without a vote of 4
the electors, either of the following: 5

(1) Net indebtedness for all purposes that exceeds an amount 6
equal to one per cent of its tax valuation; 7

(2) Net indebtedness for the purpose of paying the county's 8
share of the cost of the construction, improvement, maintenance, 9
or repair of state highways that exceeds an amount equal to 10
one-half of one per cent of its tax valuation. 11

(B) A county shall not incur total net indebtedness that 12
exceeds an amount equal to one of the following limitations that 13
applies to the county: 14

(1) A county with a valuation not exceeding one hundred 15
million dollars, three per cent of that tax valuation; 16

(2) A county with a tax valuation exceeding one hundred 17
million dollars but not exceeding three hundred million dollars, 18
three million dollars plus one and one-half per cent of that tax 19

valuation in excess of one hundred million dollars;	20
(3) A county with a tax valuation exceeding three hundred million dollars, six million dollars plus two and one-half per cent of that tax valuation in excess of three hundred million dollars.	21 22 23 24
(C) In calculating the net indebtedness of a county, none of the following securities shall be considered:	25 26
(1) Securities described in section 307.201 of the Revised Code;	27 28
(2) Self-supporting securities issued for any purposes, including, but not limited to, any of the following general purposes:	29 30 31
(a) Water systems or facilities;	32
(b) Sanitary sewerage systems or facilities, or surface and storm water drainage and sewerage systems or facilities, or a combination of those systems or facilities;	33 34 35
(c) County or joint county scrap tire collection, storage, monocell, monofill, or recovery facilities, or any combination of those facilities;	36 37 38
(d) Off-street parking lots, facilities, or buildings, or on-street parking facilities, or any combination of off-street and on-street parking facilities;	39 40 41
(e) Facilities for the care or treatment of the sick or infirm, and for housing the persons providing that care or treatment and their families;	42 43 44
(f) Recreational, sports, convention, auditorium, museum, trade show, and other public attraction facilities;	45 46
(g) Facilities for natural resources exploration,	47

development, recovery, use, and sale; 48

(h) Correctional and detention facilities and related 49
rehabilitation facilities. 50

(3) Securities issued for the purpose of purchasing, 51
constructing, improving, or extending water or sanitary or surface 52
and storm water sewerage systems or facilities, or a combination 53
of those systems or facilities, to the extent that an agreement 54
entered into with another subdivision requires the other 55
subdivision to pay to the county amounts equivalent to debt 56
charges on the securities; 57

(4) Voted general obligation securities issued for the 58
purpose of permanent improvements for sanitary sewerage or water 59
systems or facilities to the extent that the total principal 60
amount of voted securities outstanding for the purpose does not 61
exceed an amount equal to two per cent of the county's tax 62
valuation; 63

(5) Securities issued for permanent improvements to house 64
agencies, departments, boards, or commissions of the county or of 65
any municipal corporation located, in whole or in part, in the 66
county, to the extent that the revenues, other than revenues from 67
unvoted county property taxes, derived from leases or other 68
agreements between the county and those agencies, departments, 69
boards, commissions, or municipal corporations relating to the use 70
of the permanent improvements are sufficient to cover the cost of 71
all operating expenses of the permanent improvements paid by the 72
county and debt charges on the securities; 73

(6) Securities issued pursuant to section 133.08 of the 74
Revised Code; 75

(7) Securities issued for the purpose of acquiring or 76

constructing roads, highways, bridges, or viaducts, for the 77
 purpose of acquiring or making other highway permanent 78
 improvements, or for the purpose of procuring and maintaining 79
 computer systems for the office of the clerk of any 80
 county-operated municipal court, for the office of the clerk of 81
 the court of common pleas, or for the office of the clerk of the 82
 probate, juvenile, or domestic relations division of the court of 83
 common pleas to the extent that the legislation authorizing the 84
 issuance of the securities includes a covenant to appropriate from 85
 moneys distributed to the county pursuant to division (B) of 86
 section 2101.162, 2151.541, 2153.081, 2301.031, or 2303.201 or 87
 Chapter 4501., 4503., 4504., or 5735. of the Revised Code a 88
 sufficient amount to cover debt charges on and financing costs 89
 relating to the securities as they become due; 90

(8) Securities issued for the purpose of acquiring, 91
 constructing, improving, and equipping a county, multicounty, or 92
 multicounty-municipal jail, workhouse, juvenile detention 93
 facility, or correctional facility; 94

(9) Securities issued for the acquisition, construction, 95
 equipping, or repair of any permanent improvement or any class or 96
 group of permanent improvements enumerated in a resolution adopted 97
 pursuant to division (D) of section 5739.026, or under division 98
 (J) or (T) of section 5739.09, of the Revised Code to the extent 99
 that the legislation authorizing the issuance of the securities 100
 includes a covenant to appropriate from moneys received from the 101
 taxes authorized under section 5739.023 and division (A)(5) of 102
 section 5739.026, or under division (J) or (T) of section 5739.09 103
 of the Revised Code, respectively, an amount sufficient to pay 104
 debt charges on the securities and those moneys shall be pledged 105
 for that purpose; 106

(10) Securities issued for county or joint county solid waste	107
or hazardous waste collection, transfer, or disposal facilities,	108
or resource recovery and solid or hazardous waste recycling	109
facilities, or any combination of those facilities;	110
(11) Securities issued for the acquisition, construction, and	111
equipping of a port authority educational and cultural facility	112
under section 307.671 of the Revised Code;	113
(12) Securities issued for the acquisition, construction,	114
equipping, and improving of a municipal educational and cultural	115
facility under division (B)(1) of section 307.672 of the Revised	116
Code;	117
(13) Securities issued for energy conservation measures under	118
section 307.041 of the Revised Code;	119
(14) Securities issued for the acquisition, construction,	120
equipping, improving, or repair of a sports facility, including	121
obligations issued to pay costs of a sports facility under section	122
307.673 of the Revised Code;	123
(15) Securities issued under section 755.17 of the Revised	124
Code if the legislation authorizing issuance of the securities	125
includes a covenant to appropriate from revenue received from a	126
tax authorized under division (A)(5) of section 5739.026 and	127
section 5741.023 of the Revised Code an amount sufficient to pay	128
debt charges on the securities, and the board of county	129
commissioners pledges that revenue for that purpose, pursuant to	130
section 755.171 of the Revised Code;	131
(16) Sales tax supported bonds issued pursuant to section	132
133.081 of the Revised Code for the purpose of acquiring,	133
constructing, improving, or equipping any permanent improvement to	134
the extent that the legislation authorizing the issuance of the	135

sales tax supported bonds pledges county sales taxes to the	136
payment of debt charges on the sales tax supported bonds and	137
contains a covenant to appropriate from county sales taxes a	138
sufficient amount to cover debt charges or the financing costs	139
related to the sales tax supported bonds as they become due;	140
(17) Bonds or notes issued under section 133.60 of the	141
Revised Code if the legislation authorizing issuance of the bonds	142
or notes includes a covenant to appropriate from revenue received	143
from a tax authorized under division (A)(9) of section 5739.026	144
and section 5741.023 of the Revised Code an amount sufficient to	145
pay the debt charges on the bonds or notes, and the board of	146
county commissioners pledges that revenue for that purpose;	147
(18) Securities issued under section 3707.55 of the Revised	148
Code for the acquisition of real property by a general health	149
district;	150
(19) Securities issued under division (A)(3) of section	151
3313.37 of the Revised Code for the acquisition of real and	152
personal property by an educational service center;	153
(20) Securities issued for the purpose of paying the costs of	154
acquiring, constructing, reconstructing, renovating,	155
rehabilitating, expanding, adding to, equipping, furnishing, or	156
otherwise improving an arena, convention center, or a combination	157
of an arena and convention center under section 307.695 of the	158
Revised Code;	159
(21) Securities issued for the purpose of paying project	160
costs under section 307.678 of the Revised Code;	161
(22) Securities issued for the purpose of paying project	162
costs under section 307.679 of the Revised Code.	163
(D) In calculating the net indebtedness of a county, no	164

obligation incurred under division (F) of section 339.06 of the Revised Code shall be considered."	165
	166
In line 103229, strike through ", "eligible" and insert ":	167
<u>(1) "Eligible"</u>	168
After line 103235, insert:	169
<u>"(2) "Permanent improvements," "debt charges," and "financing costs" have the same meanings as in section 133.01 of the Revised Code.</u>	170
	171
	172
<u>(3) "Costs of permanent improvements" include all costs allowed in section 133.15 of the Revised Code."</u>	173
	174
In line 103242, after the comma insert " <u>including paying financing costs and debt charges on bonds, or notes in anticipation of bonds,</u> "	175
	176
	177
In line 103260, strike through "time not to exceed" and insert " <u>years that is at least the number of years required for payment of the debt charges on bonds or notes in anticipation of bonds authorized under this division but not in excess of"</u>	178
	179
	180
	181
In line 103268, after "improvements" insert " <u>, including paying financing costs and debt charges on bonds, or notes in anticipation of bonds,</u> "	182
	183
	184
After line 103281, insert:	185
<u>"The board of county commissioners may issue bonds, or notes in anticipation thereof, pursuant to Chapter 133. of the Revised Code, for the purpose of paying the costs of permanent improvements as authorized in this division and pledge the revenue arising from the tax for that purpose. The board of county commissioners may pledge or contribute the revenue arising from the tax levied under this division to a port authority created</u>	186
	187
	188
	189
	190
	191
	192

under Chapter 4582. of the Revised Code, and the port authority 193
may issue bonds, or notes in anticipation thereof, pursuant to 194
that chapter, for the purpose of paying the costs of permanent 195
improvements as authorized in this division." 196

In line 108780, after "131.58," insert "133.07," 197

The motion was _____ agreed to.

SYNOPSIS

Fairgrounds lodging tax: bond authority 198

R.C. 5739.09(T) and 133.07 199

Authorizes counties in which an agricultural society owns a 200
 facility used to conduct an annual harness horse race, with at 201
 least 40,000 in attendance (Delaware County), or port authorities 202
 in such counties, to issue bonds backed by proceeds from an 203
 existing or renewed special 3% lodging tax authorized for such a 204
 county to finance permanent improvements at fairground sites. 205

_____ moved to amend as follows:

1 In line 221 of the title, delete "3345.391,"

2 In line 788, delete "3345.391,"

3 Delete lines 49309 through 49328

4 The motion was _____ agreed to.

5 SYNOPSIS

6 **Cash payments for higher education events**

7 **R.C. 3345.391**

8 Removes a provision from the substitute bill that requires
9 state institutions of higher education to permit an individual
10 to pay cash for a ticket to an event or activity the school
11 conducts, sponsors, or participates in for which the school
12 charges admission.

_____ moved to amend as follows:

1 After line 113838, insert:

2 "(E) For purposes of division (A)(1) of this section, if a
3 law permits or requires the director to adopt a rule, the
4 director shall do so in accordance with Chapter 119. of the
5 Revised Code, unless the law requiring or permitting adoption of
6 the rule specifies a different rule adoption procedure."

7 In line 233343, after "(K)" insert "Notwithstanding any
8 provision of sections 121.95 to 121.953 of the Revised Code to
9 the contrary, all of the following apply:

10 (1) Before January 1, 2025, the Directors of Job and Family
11 Services, Education, Health, Developmental Disabilities,
12 Medicaid, Mental Health and Addiction Services, and Development
13 shall, with respect to rules related to children's services
14 programs, reduce the total number of regulatory restrictions
15 identified in their base inventories prepared under
16 section 121.95 of the Revised Code by the percentage reduction
17 the state agency is required to achieve under section 121.951 of
18 the Revised Code, subject to any lessened required reductions
19 under section 121.952 of the Revised Code.

20 (2) With respect to all rules transferred to the Department
21 of Children and Youth on and after January 1, 2025, and all
22 rules adopted by the Department thereafter, the Department shall
23 comply with sections 121.95 to 121.953 of the Revised Code.

24 (3) The Joint Committee on Agency Rule Review shall include
25 regulatory restrictions in rules transferred to or adopted by
26 the Department of Children and Youth, minus any reductions
27 achieved by the Department between January 1, 2025, and June 30,
28 2025, when calculating the number of regulatory restrictions
29 permitted in this state under section 121.953 of the Revised
30 Code.

31 (4) The Directors of Job and Family Services, Education,
32 Health, Developmental Disabilities, Medicaid, Mental Health and
33 Addiction Services, and Development shall not treat the transfer
34 of a rule containing a regulatory restriction to the Department
35 of Children and Youth as a reduction in regulatory restrictions
36 for purposes of satisfying the reduction requirements in
37 sections 121.95 to 121.953 of the Revised Code.

38 (L) "

39 The motion was _____ agreed to.

40

SYNOPSIS

41 **Department of Children and Youth - rule transfer and**
42 **adoption**

43 **R.C. 5180.02; Section 423.140**

44 Requires the Director of Children and Youth to follow rule
45 adoption procedures in the Administrative Procedure Act
46 (R.C. Chapter 119) to adopt administrative rules, unless the
47 law authorizing the rule specifies a different procedure.

48 Requires the agencies transferring children's services
49 duties to the Department of Children and Youth to reduce the
50 number of regulatory restrictions identified by the agencies in
51 their rules related to children's services under prior law by
52 the percentage required in continuing law before January 1,
53 2025, rather than June 30, 2025, as currently required.

54 Requires, beginning when rules related to children's
55 services are transferred to the Department of Children and Youth
56 on January 1, 2025, and ending June 30, 2025, the Department to
57 comply with the continuing law regulatory restriction reduction
58 requirements.

59 Requires the Joint Committee on Agency Rule Review to
60 include regulatory restrictions in rules transferred to or
61 adopted by the Department of Children and Youth, minus any
62 reductions achieved by the Department, when calculating the
63 maximum number of regulatory restrictions permitted in Ohio
64 beginning July 1, 2025.

65 Prohibits the directors of agencies transferring children's
66 services related rules to the Department from treating the
67 transfer as a reduction in regulatory restrictions for purposes
68 of satisfying the reduction requirements in continuing law.

_____ moved to amend as follows:

1 After line 235416, insert:

2 **"Section 701.____.** (A) As used in this section, "state
3 employee" means a full-time employee paid by warrant of the
4 Director of Budget and Management and includes employees of the
5 Secretary of State, Auditor of State, Treasurer of State, or
6 Attorney General. "State employee" does not include an employee
7 of a court or judicial agency or a full-time employee of the
8 Department of Education and Workforce who is subject to Section
9 265.505 of this act.

10 (B) During the period from October 1, 2023, through June
11 30, 2025, no state employee shall work from the employee's place
12 of residence for more than eight hours per forty hour workweek.
13 A state employer may allow a state employee to work from the
14 employee's place of residence for any hours worked over forty
15 hours in a workweek.

16 (C) Nothing in this section precludes a state employee from
17 being permitted to work from the employee's place of residence
18 for more than eight hours per forty hour workweek as a
19 reasonable accommodation under Title I of the "Americans with

20 Disabilities Act of 1990," 42 U.S.C. 12111, et seq., or Chapter
21 4112. of the Revised Code."

22 The motion was _____ agreed to.

23 SYNOPSIS

24 **Work location for state employees**

25 **Section 701. __**

26 Prohibits state employees from working from home for more
27 than eight hours per forty hour workweek for the time period
28 beginning October 1, 2023, and ending June 30, 2025.

29 Allows a state employer to allow a state employee to work
30 from home for any hours worked over forty hours in a workweek.

31 Specifies that the amendment does not prevent a state
32 employee from being permitted to work from home for more than
33 eight hours per forty hour workweek as a reasonable
34 accommodation under the federal Americans with Disabilities Act
35 or Ohio's Civil Rights Law.

36 Specifies that the amendment does not apply to either of
37 the following:

38 - Full-time employees of the Department of Education and
39 Workforce who are prohibited under the bill from working from
40 home for more than eight hours per week from August 1, 2023,
41 through June 30, 2025;

42 - Judicial branch employees.

_____ moved to amend as follows:

1 In line 36 of the title, delete "315.02, 315.25,"

2 In line 212 of the title, delete "315.09,"

3 In line 652, delete "315.02, 315.25,"

4 In line 780, delete "315.09,"

5 Delete lines 21127 through 21158

6 In line 108790, delete "315.02, 315.25,"

7 The motion was _____ agreed to.

8 SYNOPSIS

9 **County engineer qualifications**

10 **R.C. 315.02, 315.09, and 315.25**

11 Removes provisions added in the Senate substitute bill that
12 would have done the following:

13 - Removed the requirement under current law that a county
14 engineer be a registered surveyor.

15 - Allowed a county engineer to contract with private
16 surveyors as needed.

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 45 of the title, after "1121.23," insert "1317.07," 1

In line 659, after "1121.23," insert "1317.07," 2

After line 27234, insert: 3

"**Sec. 1317.07.** No retail installment contract authorized by 4
section 1317.03 of the Revised Code that is executed in connection 5
with any retail installment sale shall evidence any indebtedness 6
in excess of the time balance fixed in the written instrument in 7
compliance with section 1317.04 of the Revised Code, but it may 8
evidence in addition any agreements of the parties for the payment 9
of delinquent charges, as provided for in section 1317.06 of the 10
Revised Code, taxes, and any lawful fee actually paid out, or to 11
be paid out, by the retail seller to any public officer for 12
filing, recording, or releasing any instrument securing the 13
payment of the obligation owed on any retail installment contract. 14
No retail seller, directly or indirectly, shall charge, contract 15
for, or receive from any retail buyer, any further or other amount 16
for examination, service, brokerage, commission, expense, fee, or 17
other thing of value, unless the retail seller is otherwise 18
authorized by law to do so. A documentary service charge 19
customarily and presently being paid on May 9, 1949, in a 20
particular business and area may be charged if the charge does not 21

exceed ~~two~~ five hundred ~~fifty~~ dollars per sale. 22

No retail seller shall use multiple agreements with respect 23
to a single item or related items purchased at the same time, with 24
intent to obtain a higher charge than would otherwise be permitted 25
by Chapter 1317. of the Revised Code or to avoid disclosure of an 26
annual percentage rate, nor by use of such agreements make any 27
charge greater than that which would be permitted by Chapter 1317. 28
of the Revised Code had a single agreement been used." 29

In line 108797, after "1121.23," insert "1317.07," 30

The motion was _____ agreed to.

SYNOPSIS

Documentary service charges 31

R.C. 1317.07 32

Increases the maximum documentary service charge that a 33
seller may impose as part of a retail installment contract, 34
including motor vehicle sales, from \$250 to \$500 per sale. 35

Sub. H.B. 33
L-135-0001-5
PUCCD8

_____ moved to amend as follows:

In line 148 of the title, after "4929.16," insert 1
"4929.161,"; after "4929.163," insert "4929.165," 2

In line 734, after "4929.16," insert "4929.161,"; after 3
"4929.163," insert "4929.165," 4

After line 83203, insert: 5

"**Sec. 4929.161.** (A) A natural gas company may file an 6
application with the public utilities commission for approval of 7
an infrastructure development rider to recover prudently incurred 8
infrastructure development costs of one or more economic 9
development projects approved under section 4929.163 of the 10
Revised Code. 11

(B) The commission shall approve a maximum of one 12
infrastructure development rider per company. 13

(C) The commission shall not approve an application for an 14
infrastructure development rider that includes infrastructure 15
development costs described under divisions (B)(1)(b) and (B)(2) 16
of section 4929.16 of the Revised Code after October 1, 2029. 17

In line 83251, after "thereafter" insert ", subject to 18
division (D)(5) of this section," 19

In line 83256, after "recovered" insert ", or until the termination of the deferral"

After line 83256, insert:

"(5) The commission may grant a deferral under this section not to exceed five years after its approval by the commission. The commission may grant a deferral under this section for less than five years."

After line 83312, insert:

"Sec. 4929.165. (A) A natural gas company that has established an infrastructure development rider under section 4929.161 of the Revised Code shall file an annual report with the public utilities commission. The report shall do both of the following:

~~(A)(1)~~ Detail the infrastructure development costs related to the applicable economic development project or projects;

~~(B)(2)~~ Set forth the rider rate for the twelve months following the annual report.

(B) The commission shall issue an annual report that includes all of the following:

(1) The number of infrastructure development rider applications received and indicate whether the applications were made for infrastructure development costs described under divisions (B)(1)(a) and (B)(2), or (B)(1)(b) and (B)(2) of section 4929.16 of the Revised Code;

(2) The number of infrastructure development rider applications approved and indicate whether the applications were approved for infrastructure development costs described under divisions (B)(1)(a) and (B)(2), or (B)(1)(b) and (B)(2) of section

4929.16 of the Revised Code; 48

(3) The monetary amount approved for recovery through each 49
infrastructure development rider and the total amount for all 50
infrastructure development riders; 51

(4) The number of approved economic development projects on 52
which all construction has been completed; 53

(5) A list containing the construction status of all approved 54
economic projects, including if construction has not commenced or, 55
if construction has commenced, but not completed, a description of 56
any structures on which construction has been completed." 57

In line 108872, after "4929.16," insert "4929.161, "; after 58
"4929.163," insert "4929.165," 59

The motion was _____ agreed to.

SYNOPSIS

Infrastructure development rider 60

R.C. 4929.161, 4929.162, and 4929.165 61

Prohibits the public utilities commission (PUCO) from 62
approving an infrastructure development rider (IDR) application 63
after October 1, 2029, that includes infrastructure development 64
costs that are for investments to utility facilities designed to 65
provide natural gas service to certain sites. 66

Allows PUCO to grant a regulatory deferral not to exceed five 67
years after its approval, and to grant a deferral for less than 68
five years. 69

Provides that the natural gas company's ability to collect 70

deferred and unrecovered infrastructure development costs in 71
subsequent years is subject to PUCO's authority to grant 72
regulatory deferrals not to exceed five years after its approval, 73
and for less than five years. 74

Requires PUCO to permit carrying costs to accrue until either 75
(1) the entirety of the regulatory deferral and all carrying costs 76
have been recovered, or (2) the termination of the deferral. 77

Requires PUCO to issue an annual report that includes (1) the 78
number of IDR applications granted the type of infrastructure 79
development costs the applications were made for, (2) the number 80
of IDR applications approved and the type of infrastructure 81
development costs the applications were approved for, (3) the 82
monetary amount approved for recovery through each IDR and the 83
total amount for all IDRs, (4) the number of approved economic 84
development projects on which all construction has been completed, 85
and (5) a list containing the construction status of all approved 86
economic development projects. 87

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 216 of the title, after "3302.0310," insert 1
"3309.363," 2
In line 784, after "3302.0310," insert "3309.363," 3
After line 37817, insert: 4
"Sec. 3309.363. (A) As used in this section: 5
(1) "Retirement allowance" means any of the following as 6
appropriate: 7
(a) An allowance calculated under section 3309.36 of the 8
Revised Code before any reduction for early retirement or election 9
under section 3309.46 of the Revised Code of a plan of payment; 10
(b) An allowance calculated under division (A) of section 11
3309.45 of the Revised Code; 12
(c) An allowance calculated under division (B)(1)(a) of 13
section 3309.381 of the Revised Code. 14
(2) "CBBC" means the contribution based benefit cap, which is 15
a limit established by the school employees retirement board on 16
the retirement allowance a member may receive. 17
(B) Based on the advice of an actuary appointed by the board, 18
the board shall designate a number as the CBBC factor. The board 19

may, from time to time, revise the factor pursuant to advice from an actuary appointed by the board.

20
21

(C) Beginning on and after August 1, 2024, before paying a retirement allowance, the board shall make all of the following calculations:

22
23
24

(1) Determine an amount equal to the value of the member's accumulated contributions, including any contributions used to fund a disability benefit under section 3309.40 of the Revised Code and a portion of any amounts paid by an employer under section 3309.33 of the Revised Code, as determined by an actuary appointed by the board;

25
26
27
28
29
30

(2) Determine the amount of a single life annuity that is the actuarial equivalent of the amount determined under division (C)(1) of this section, adjusted for the age of the member at the time of retirement or, when appropriate, the age at the time of the member's death;

31
32
33
34
35

(3) Multiply the annuity amount determined under division (C)(2) of this section by the CBBC factor.

36
37

(D) The amount determined under division (C)(3) of this section is the member's CBBC. Beginning on and after August 1, 2024, if the retirement allowance the member would receive exceeds the member's CBBC, the board shall reduce the retirement allowance to an amount equal to the member's CBBC.

38
39
40
41
42

(E) If a member's retirement allowance is reduced under this section, the reduced retirement allowance is the member's single lifetime allowance for purposes of sections 3309.36, 3309.381, and 3309.45 of the Revised Code.

43
44
45
46

(F) The board may adopt rules to implement this section."

47

The motion was _____ agreed to.

SYNOPSIS

Contribution based benefit cap for SERS retirement benefits	48
R.C. 3309.363	49
Requires the School Employees Retirement System (SERS) Board	50
to establish the "contribution based benefit cap" (CBBC), a limit	51
on the retirement allowance a member may receive.	52
Requires the SERS Board, beginning on and after August 1,	53
2024, before paying a retirement allowance to calculate a member's	54
CBBC based on the contributions the member has made converted to	55
an annuity and multiplied by a number designated by the Board (the	56
CBBC factor) and reduce the member's retirement allowance to an	57
amount equal to the member's CBBC if the retirement allowance	58
would exceed the CBBC.	59
Applies the CBBC to retirement allowances and to survivor	60
benefits that are based on retirement allowances.	61

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 189 of the title, after "5747.025," insert "5747.05,"

1

In line 190 of the title, after "5747.072," insert "5747.11,
5747.13,"

2

3

In line 764, after "5747.025," insert "5747.05, "; after
"5747.072," insert "5747.11, 5747.13,"

4

5

After line 105607, insert:

6

"Notwithstanding any provision of the Revised Code to the
contrary, the portion of the addition required by division (A)(36)
of this section related to the apportioned business income of the
pass-through entity shall be considered business income under
division (B) of this section. Such addition is eligible for the
deduction in division (A)(28) of this section, subject to the
applicable dollar limitations, and the tax rate prescribed by
division (A)(4)(a) of section 5747.02 of the Revised Code. The
taxpayer shall provide, upon request of the tax commissioner, any
documentation necessary to verify the portion of the addition that
is business income under this division."

7

8

9

10

11

12

13

14

15

16

17

After line 105637, insert:

18

"(41) Add any income taxes deducted in computing federal or
Ohio adjusted gross income to the extent the income taxes were

19

20

derived from income subject to a tax levied in another state or 21
the District of Columbia when such tax was enacted for purposes of 22
complying with internal revenue service notice 2020-75. 23

Notwithstanding any provision of the Revised Code to the 24
contrary, the portion of the addition required by division (A)(41) 25
of this section related to the apportioned business income of the 26
pass-through entity shall be considered business income under 27
division (B) of this section. Such addition is eligible for the 28
deduction in division (A)(28) of this section, subject to the 29
applicable dollar limitations, and the tax rate prescribed by 30
division (A)(4)(a) of section 5747.02 of the Revised Code. The 31
taxpayer shall provide, upon request of the tax commissioner, any 32
documentation necessary to verify the portion of the addition that 33
is business income under this division." 34

After line 105974, insert: 35

"(16) Add any income taxes deducted in computing federal 36
taxable income or Ohio taxable income to the extent the income 37
taxes were derived from income subject to a tax levied in another 38
state or the District of Columbia when such tax was enacted for 39
purposes of complying with internal revenue service notice 40
2020-75." 41

After line 106432, insert: 42

"Sec. 5747.05. As used in this section, "income tax" includes 43
 both a tax on net income and a tax measured by net income. 44

The following credits shall be allowed against the aggregate 45
 income tax liability imposed by section 5747.02 of the Revised 46
 Code on individuals and estates: 47

(A)(1) The amount of tax otherwise due under section 5747.02 48
 of the Revised Code on such portion of the combined adjusted gross 49

income and business income of any nonresident taxpayer that is not
 allocable or apportionable to this state pursuant to sections
 5747.20 to 5747.23 of the Revised Code. The credit provided under
 this division shall not exceed the total tax due under section
 5747.02 of the Revised Code.

(2) The tax commissioner may enter into an agreement with the
 taxing authorities of any state or of the District of Columbia
 that imposes an income tax to provide that compensation paid in
 this state to a nonresident taxpayer shall not be subject to the
 tax levied in section 5747.02 of the Revised Code so long as
 compensation paid in such other state or in the District of
 Columbia to a resident taxpayer shall likewise not be subject to
 the income tax of such other state or of the District of Columbia.

(B) The lesser of division (B)(1) or (2) of this section:

(1) The aggregate amount of tax otherwise due under section
 5747.02 of the Revised Code on such portion of the combined
 adjusted gross income and business income of a resident taxpayer
 that in another state or in the District of Columbia is subjected
 to an income tax. The credit provided under division (B)(1) of
 this section shall not exceed the total tax due under section
 5747.02 of the Revised Code.

(2) The amount of income tax liability to another state or
 the District of Columbia on the portion of the combined adjusted
 gross income and business income of a resident taxpayer that in
 another state or in the District of Columbia is subjected to an
 income tax. The credit provided under division (B)(2) of this
 section shall not exceed the total amount of tax otherwise due
 under section 5747.02 of the Revised Code.

(3) For the purpose of divisions (B)(1) and (2) of this
 section, a resident taxpayer's combined adjusted gross income and

business income that is subject to an income tax levied in another 80
state or in the District of Columbia includes income that is 81
subject to either (a) a tax similar to the tax imposed by division 82
(D)(1)(a) of section 5747.08 of the Revised Code or (b) a tax 83
enacted for purposes of complying with internal revenue service 84
notice 2020-75. In computing a resident taxpayer's income tax paid 85
or accrued to another state or the District of Columbia, the 86
deduction authorized by division (A)(28) of section 5747.01 of the 87
Revised Code shall first be deducted against business income 88
apportioned to this state. 89

(4) If the credit provided under division (B) of this section 90
is affected by a change in either the portion of the combined 91
adjusted gross income and business income of a resident taxpayer 92
subjected to an income tax in another state or the District of 93
Columbia or the amount of income tax liability that has been paid 94
to another state or the District of Columbia, the taxpayer shall 95
report the change to the tax commissioner within ninety days of 96
the change in such form as the commissioner requires. 97

(a) In the case of an underpayment, the report shall be 98
accompanied by payment of any additional tax due as a result of 99
the reduction in credit together with interest on the additional 100
tax and is a return subject to assessment under section 5747.13 of 101
the Revised Code solely for the purpose of assessing any 102
additional tax due under this division, together with any 103
applicable penalty and interest. It shall not reopen the 104
computation of the taxpayer's tax liability under this chapter 105
from a previously filed return no longer subject to assessment 106
except to the extent that such liability is affected by an 107
adjustment to the credit allowed by division (B) of this section. 108

(b) In the case of an overpayment, an application for refund 109
may be filed under this division within the ninety-day period 110

prescribed for filing the report even if it is beyond the period 111
 prescribed in section 5747.11 of the Revised Code if it otherwise 112
 conforms to the requirements of such section. An application filed 113
 under this division shall only claim refund of overpayments 114
 resulting from an adjustment to the credit allowed by division (B) 115
 of this section unless it is also filed within the time prescribed 116
 in section 5747.11 of the Revised Code. It shall not reopen the 117
 computation of the taxpayer's tax liability except to the extent 118
 that such liability is affected by an adjustment to the credit 119
 allowed by division (B) of this section. 120

~~(4)~~(5) No credit shall be allowed under division (B) of this 121
 section: 122

(a) For income tax paid or accrued to another state or to the 123
 District of Columbia if the taxpayer, when computing federal 124
 adjusted gross income, has directly or indirectly deducted, or was 125
 required to directly or indirectly deduct, the amount of that 126
 income tax; 127

Division (B)(5)(a) of this section does not apply to income 128
 taxes included in the computation of Ohio adjusted gross income 129
 under division (A)(41) of section 5747.01 of the Revised Code and 130
 not deducted from Ohio adjusted gross income under division 131
 (A)(28) of that section or to income taxes included in Ohio 132
 taxable income under division (S)(16) of section 5747.01 of the 133
 Revised Code. 134

(b) For compensation that is not subject to the income tax of 135
 another state or the District of Columbia as the result of an 136
 agreement entered into by the tax commissioner under division 137
 (A)(3) of this section; or 138

(c) For income tax paid or accrued to another state or the 139
 District of Columbia if the taxpayer fails to furnish such proof 140

as the tax commissioner shall require that such income tax liability has been paid. 141
142

(C) An individual who is a resident for part of a taxable year and a nonresident for the remainder of the taxable year is allowed the credits under divisions (A) and (B) of this section in accordance with rules prescribed by the tax commissioner. In no event shall the same income be subject to both credits. 143
144
145
146
147

(D) The credit allowed under division (A) of this section shall be calculated based upon the amount of tax due under section 5747.02 of the Revised Code after subtracting any other credits that precede the credit under that division in the order required under section 5747.98 of the Revised Code. The credit allowed under division (B) of this section shall be calculated based upon the amount of tax due under section 5747.02 of the Revised Code after subtracting any other credits that precede the credit under that division in the order required under section 5747.98 of the Revised Code. 148
149
150
151
152
153
154
155
156
157

(E)(1) On a joint return filed by a husband and wife, each of whom had adjusted gross income of at least five hundred dollars, exclusive of interest, dividends and distributions, royalties, rent, and capital gains, a credit equal to the lesser of six hundred fifty dollars or the percentage shown in column B that corresponds with the taxpayer's modified adjusted gross income, less exemptions for the taxable year, of the total amount of tax due after allowing for any other credit that precedes this credit as required under section 5747.98 of the Revised Code: 158
159
160
161
162
163
164
165
166

A.	B.	167
IF THE MODIFIED ADJUSTED GROSS INCOME, LESS EXEMPTIONS, FOR THE TAX YEAR IS:	THE CREDIT FOR THE TAXABLE YEAR IS:	168

\$25,000 or less	20%	169
More than \$25,000 but not more than \$50,000	15%	170
More than \$50,000 but not more than \$75,000	10%	171
More than \$75,000	5%	172

(2) The credit shall be claimed in the order required under section 5747.98 of the Revised Code. 173
174

(F) No claim for credit under this section shall be allowed unless the claimant furnishes such supporting information as the tax commissioner prescribes by rules." 175
176
177

After line 106896, insert: 178

"**Sec. 5747.11.** (A) The tax commissioner shall refund to employers, qualifying entities, electing pass-through entities, or taxpayers subject to a tax imposed under section 5733.41, 5747.02, 5747.38, or 5747.41, or Chapter 5748. of the Revised Code amounts that were overpaid, paid illegally or erroneously, or paid on an illegal or erroneous assessment. 179
180
181
182
183
184

(B)(1) Except as otherwise provided under divisions (D) and (E) of this section, applications for refund shall be filed with the tax commissioner, on the form prescribed by the commissioner, within four years from the date of the illegal, erroneous, or excessive payment, or within any additional period allowed by division ~~(B)(3)(b)~~ (B)(4)(b) of section 5747.05, division (E) of section 5747.10, division (A) of section 5747.13, or division (C) of section 5747.45 of the Revised Code. 185
186
187
188
189
190
191
192

On filing of the refund application, the commissioner shall determine the amount of refund due and, if that amount exceeds one dollar, certify such amount to the director of budget and 193
194
195

management and treasurer of state for payment from the tax refund 196
fund created by section 5703.052 of the Revised Code. Payment 197
shall be made as provided in division (C) of section 126.35 of the 198
Revised Code. 199

(2) If an individual taxpayer is deceased, a refund may be 200
issued in the name of the decedent and of the executor, 201
administrator, or other person charged with the decedent's 202
property, upon the request of that person. Such a request shall 203
include any documentation, including a copy of the taxpayer's 204
death certificate and any fiduciary or court documents, that the 205
tax commissioner considers necessary to prove that the person 206
making the request is qualified to receive the refund. If the 207
request is for a refund that was previously issued in only the 208
decedent's name, the person making the request must also provide 209
the previously issued payment to the commissioner. 210

(C)(1) Interest shall be allowed and paid at the rate per 211
annum prescribed by section 5703.47 of the Revised Code on amounts 212
refunded with respect to the tax imposed under section 5747.02 or 213
Chapter 5748. of the Revised Code from the date of the overpayment 214
until the date of the refund of the overpayment, except that if 215
any overpayment is refunded within ninety days after the final 216
filing date of the annual return or ninety days after the return 217
is filed, whichever is later, no interest shall be allowed on such 218
overpayment. If the overpayment results from the carryback of a 219
net operating loss or net capital loss to a previous taxable year, 220
the overpayment is deemed not to have been made prior to the 221
filing date, including any extension thereof, for the taxable year 222
in which the net operating loss or net capital loss arises. For 223
purposes of the payment of interest on overpayments, no amount of 224
tax, for any taxable year, shall be treated as having been paid 225
before the date on which the tax return for that year was due 226

without regard to any extension of time for filing such return. 227

(2) Interest shall be allowed at the rate per annum 228
prescribed by section 5703.47 of the Revised Code on amounts 229
refunded with respect to the taxes imposed under sections 5733.41 230
and 5747.41 or under section 5747.38 of the Revised Code. The 231
interest shall run from whichever of the following days is the 232
latest until the day the refund is paid: the day the illegal, 233
erroneous, or excessive payment was made; the ninetieth day after 234
the final day the annual report was required to be filed under 235
section 5747.42 of the Revised Code; or the ninetieth day after 236
the day that report was filed. 237

(D) "Ninety days" shall be substituted for "four years" in 238
division (B) of this section if the taxpayer satisfies both of the 239
following conditions: 240

(1) The taxpayer has applied for a refund based in whole or 241
in part upon section 5747.059 of the Revised Code; 242

(2) The taxpayer asserts that either the imposition or 243
collection of the tax imposed or charged by this chapter or any 244
portion of such tax violates the Constitution of the United States 245
or the Constitution of Ohio. 246

(E)(1) Division (E)(2) of this section applies only if all of 247
the following conditions are satisfied: 248

(a) A qualifying entity pays an amount of the tax imposed by 249
section 5733.41 or 5747.41 of the Revised Code; 250

(b) The taxpayer is a qualifying investor as to that 251
qualifying entity; 252

(c) The taxpayer did not claim the credit provided for in 253
section 5747.059 of the Revised Code as to the tax described in 254
division (E)(1)(a) of this section; 255

(d) The four-year period described in division (B) of this section has ended as to the taxable year for which the taxpayer otherwise would have claimed that credit.

(2) A taxpayer shall file an application for refund pursuant to division (E) of this section within one year after the date the payment described in division (E)(1)(a) of this section is made. An application filed under division (E)(2) of this section shall claim refund only of overpayments resulting from the taxpayer's failure to claim the credit described in division (E)(1)(c) of this section. Nothing in division (E) of this section shall be construed to relieve a taxpayer from complying with division (A)(15) of section 5747.01 of the Revised Code.

Sec. 5747.13. (A) If any employer collects the tax imposed by section 5747.02 or under Chapter 5748. of the Revised Code and fails to remit the tax as required by law, or fails to collect the tax, the employer is personally liable for any amount collected that the employer fails to remit, or any amount that the employer fails to collect. If any taxpayer fails to file a return or fails to pay the tax imposed by section 5747.02 or under Chapter 5748. of the Revised Code, the taxpayer is personally liable for the amount of the tax.

If any employer, taxpayer, qualifying entity, or electing pass-through entity required to file a return under this chapter fails to file the return within the time prescribed, files an incorrect return, fails to remit the full amount of the taxes due for the period covered by the return, or fails to remit any additional tax due as a result of a reduction in the amount of the credit allowed under division (B) of section 5747.05 of the Revised Code together with interest on the additional tax within the time prescribed by that division, the tax commissioner may

make an assessment against any person liable for any deficiency 286
 for the period for which the return is or taxes are due, based 287
 upon any information in the commissioner's possession. 288

An assessment issued against either the employer or the 289
 taxpayer pursuant to this section shall not be considered an 290
 election of remedies or a bar to an assessment against the other 291
 for failure to report or pay the same tax. No assessment shall be 292
 issued against any person if the tax actually has been paid by 293
 another. 294

No assessment shall be made or issued against an employer, a 295
 taxpayer, a qualifying entity, or an electing pass-through entity 296
 more than four years after the final date the return subject to 297
 assessment was required to be filed or the date the return was 298
 filed, whichever is later. However, the commissioner may assess 299
 any balance due as the result of a reduction in the credit allowed 300
 under division (B) of section 5747.05 of the Revised Code, 301
 including applicable penalty and interest, within four years of 302
 the date on which the taxpayer reports a change in either the 303
 portion of the taxpayer's adjusted gross income subjected to an 304
 income tax or tax measured by income in another state or the 305
 District of Columbia, or the amount of liability for an income tax 306
 or tax measured by income to another state or the District of 307
 Columbia, as required by division ~~(B)(3)~~(B)(4) of section 5747.05 308
 of the Revised Code. Such time limits may be extended if both the 309
 employer, taxpayer, qualifying entity, or electing pass-through 310
 entity and the commissioner consent in writing to the extension or 311
 if an agreement waiving or extending the time limits has been 312
 entered into pursuant to section 122.171 of the Revised Code. Any 313
 such extension shall extend the four-year time limit in division 314
 (B) of section 5747.11 of the Revised Code for the same period of 315
 time. There shall be no bar or limit to an assessment against an 316

employer for taxes withheld from employees and not remitted to the 317
state, against an employer, a taxpayer, a qualifying entity, or an 318
electing pass-through entity that fails to file a return subject 319
to assessment as required by this chapter, or against an employer, 320
a taxpayer, a qualifying entity, or an electing pass-through 321
entity that files a fraudulent return. 322

The commissioner shall give the party assessed written notice 323
of the assessment in the manner provided in section 5703.37 of the 324
Revised Code. With the notice, the commissioner shall provide 325
instructions on how to petition for reassessment and request a 326
hearing on the petition. 327

(B) Unless the party assessed files with the tax commissioner 328
within sixty days after service of the notice of assessment, 329
either personally or by certified mail, a written petition for 330
reassessment, signed by the party assessed or that party's 331
authorized agent having knowledge of the facts, the assessment 332
becomes final, and the amount of the assessment is due and payable 333
from the party assessed to the commissioner with remittance made 334
payable to the treasurer of state. The petition shall indicate the 335
objections of the party assessed, but additional objections may be 336
raised in writing if received by the commissioner prior to the 337
date shown on the final determination. If the petition has been 338
properly filed, the commissioner shall proceed under section 339
5703.60 of the Revised Code. 340

(C) After an assessment becomes final, if any portion of the 341
assessment remains unpaid, including accrued interest, a certified 342
copy of the tax commissioner's entry making the assessment final 343
may be filed in the office of the clerk of the court of common 344
pleas in the county in which the employer's, taxpayer's, 345
qualifying entity's, or electing pass-through entity's place of 346
business is located or the county in which the party assessed 347

resides. If the party assessed is not a resident of this state, 348
the certified copy of the entry may be filed in the office of the 349
clerk of the court of common pleas of Franklin county. 350

Immediately upon the filing of the entry, the clerk shall 351
enter a judgment against the party assessed in the amount shown on 352
the entry. The judgment shall be filed by the clerk in one of two 353
loose-leaf books, one entitled "special judgments for state and 354
school district income taxes," and the other entitled "special 355
judgments for qualifying entity and electing pass-through entity 356
taxes." The judgment shall have the same effect as other 357
judgments. Execution shall issue upon the judgment upon the 358
request of the tax commissioner, and all laws applicable to sales 359
on execution shall apply to sales made under the judgment. 360

If the assessment is not paid in its entirety within sixty 361
days after the assessment was issued, the portion of the 362
assessment consisting of tax due shall bear interest at the rate 363
per annum prescribed by section 5703.47 of the Revised Code from 364
the day the tax commissioner issues the assessment until it is 365
paid or until it is certified to the attorney general for 366
collection under section 131.02 of the Revised Code, whichever 367
comes first. If the unpaid portion of the assessment is certified 368
to the attorney general for collection, the entire unpaid portion 369
of the assessment shall bear interest at the rate per annum 370
prescribed by section 5703.47 of the Revised Code from the date of 371
certification until the date it is paid in its entirety. Interest 372
shall be paid in the same manner as the tax and may be collected 373
by the issuance of an assessment under this section. 374

(D) All money collected under this section shall be 375
considered as revenue arising from the taxes imposed by this 376
chapter or Chapter 5733. or 5748. of the Revised Code, as 377

appropriate. 378

(E) If the party assessed files a petition for reassessment 379
under division (B) of this section, the person, on or before the 380
last day the petition may be filed, shall pay the assessed amount, 381
including assessed interest and assessed penalties, if any of the 382
following conditions exists: 383

(1) The person files a tax return reporting Ohio adjusted 384
gross income, less the exemptions allowed by section 5747.025 of 385
the Revised Code, in an amount less than one cent, and the 386
reported amount is not based on the computations required under 387
division (A) of section 5747.01 or section 5747.025 of the Revised 388
Code. 389

(2) The person files a tax return that the tax commissioner 390
determines to be incomplete, false, fraudulent, or frivolous. 391

(3) The person fails to file a tax return, and the basis for 392
this failure is not either of the following: 393

(a) An assertion that the person has no nexus with this 394
state; 395

(b) The computations required under division (A) of section 396
5747.01 of the Revised Code or the application of credits allowed 397
under this chapter has the result that the person's tax liability 398
is less than one dollar and one cent. 399

(F) Notwithstanding the fact that a petition for reassessment 400
is pending, the petitioner may pay all or a portion of the 401
assessment that is the subject of the petition. The acceptance of 402
a payment by the treasurer of state does not prejudice any claim 403
for refund upon final determination of the petition. 404

If upon final determination of the petition an error in the 405
assessment is corrected by the tax commissioner, upon petition so 406

filed or pursuant to a decision of the board of tax appeals or any court to which the determination or decision has been appealed, so that the amount due from the party assessed under the corrected assessment is less than the portion paid, there shall be issued to the petitioner or to the petitioner's assigns or legal representative a refund in the amount of the overpayment as provided by section 5747.11 of the Revised Code, with interest on that amount as provided by such section, subject to section 5747.12 of the Revised Code."

In line 108902, after "5747.025," insert "5747.05,"; after "5747.072," insert "5747.11, 5747.13,"

After line 236002, insert:

"**Section 803.____.** (A) Subject to division (B) of this section, the amendment or enactment by this act of divisions (A)(36), (A)(41), and (S)(16) of section 5747.01 and section 5747.05 of the Revised Code applies to taxable years ending on or after January 1, 2023.

(B) A taxpayer may apply the amendment or enactment by this act of divisions (A)(36), (A)(41), and (S)(16) of section 5747.01 and section 5747.05 of the Revised Code to taxable years ending on or after January 1, 2022, but before January 1, 2023. A taxpayer applying that amendment for such a taxable year shall file an amended return, or apply that amendment on the taxpayer's original return, for that year."

The motion was _____ agreed to.

SYNOPSIS

Pass-through entity taxes: resident credit and add-back	431
R.C. 5747.01(A)(36), (41), and (S); R.C. 5747.05, 5747.11, and 5747.13; Section 803.____	432 433
Includes pass-through entity (PTE) taxes levied by other states and the District of Columbia, either through composite returns or an optional tax to allow the investor to avoid limits on the federal state and local tax deduction (SALT PTE tax), and remitted on behalf of an investor in the calculation of the investor's Ohio income tax resident credit.	434 435 436 437 438 439
Requires a PTE investor to add back SALT PTE taxes imposed by another state that the investor deducts from federal adjusted gross income as a business expense.	440 441 442
Applies the provisions to taxable years ending on or after January 1, 2023, but allows taxpayers to apply, at their option, the provisions to taxable years ending on or after January 1, 2022, with an amended or original return.	443 444 445 446

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

- In line 221 of the title, after "3333.303," insert "3335.39," 1
- In line 222 of the title, after "3357.131," insert "3364.07," 2
- In line 787, after "3333.303," insert "3335.39," 3
- In line 788, after "3357.131," insert "3364.07," 4
- After line 48956, insert: 5

"Sec. 3335.39. (A)(1) The Salmon P. Chase center for civics, culture, and society is established as an independent unit within the Ohio state university, initially located in the college of public affairs. The center shall conduct teaching and research in the historical ideas, traditions, and texts that have shaped the American constitutional order and society. 6
7
8
9
10
11

(2) The center shall establish bylaws requiring the center to do all of the following: 12
13

(a) Educate students by means of free, open, and rigorous intellectual inquiry to seek the truth; 14
15

(b) Affirm its duty to equip students with the skills, habits, and dispositions of mind they need to reach their own informed conclusions on matters of social and political importance; 16
17
18
19

(c) Affirm the value of intellectual diversity in higher education and aspire to enhance the intellectual diversity of the university; 20
21
22

(d) Affirm a commitment to create a community dedicated to an ethic of civil and free inquiry, which respects the intellectual freedom of each member, supports individual capacities for growth, and welcomes the differences of opinion that shall naturally exist in a public university community. 23
24
25
26
27

The requirements prescribed under divisions (A)(2)(a) to (d) of this section shall take priority over any other bylaws adopted by the center. 28
29
30

(3) The board of trustees of the university may change the name of the center in accordance with the philanthropic naming policies and practices of the university. 31
32
33

(B) The center shall be an independent unit physically located at the college of public affairs with the authority to make appointments of faculty, including tenure-track faculty. Faculty appointed to the center shall not be required, but may, hold joint appointments within any other division of the university. Not fewer than fifteen tenure-track faculty positions shall be allotted to teach under the center. 34
35
36
37
38
39
40

(C)(1) The center shall offer instruction in all of the following: 41
42

(a) The books and major debates which form the intellectual foundation of free societies, especially that of the United States; 43
44
45

(b) The principles, ideals, and institutions of the American constitutional order; 46
47

(c) The foundations of responsible leadership and informed 48

citizenship. 49

(2) The center also shall focus on both of the following: 50

(a) Offering university-wide programming related to the 51
values of free speech and civil discourse; 52

(b) Expanding the intellectual diversity of the university's 53
academic community. 54

(D)(1) Not later than sixty days after the effective date of 55
this section, the board of trustees of the university shall 56
appoint, with the advice and consent of the senate, a seven-member 57
Chase center academic council. 58

(2) The academic council shall be comprised of scholars with 59
relevant expertise and experience. Not more than one member of the 60
council may be an employee of the university. Best efforts shall 61
be made to have not fewer than three members of the advisory board 62
be from Ohio. 63

(3) Three members of the academic council shall serve initial 64
terms of two years and four members shall serve initial terms of 65
four years, which the members shall determine at their first 66
meeting, and select replacements for vacant seats. 67

(E)(1) The academic council established under division (D) of 68
this section shall conduct a nationwide search for candidates for 69
the director of the center and shall strictly adhere to all 70
relevant state and federal laws. The academic council shall submit 71
to the president of the university a list of candidates from which 72
the president shall select and appoint a director, subject to 73
approval by the board of trustees. 74

(2) The director shall have the protection of tenure or 75
tenure eligibility. The director shall consult with the dean of 76
the college of public affairs; however, the director shall report 77

directly to the provost or the president of the university.

78

(3) The director shall have the sole and exclusive ability to manage the recruitment and hiring process and have the authority to extend offers for employment for all faculty and staff, and to terminate employment of all staff. The director shall oversee, develop, and approve the center's curriculum. The center shall be granted the authority to offer courses and develop certificate, minor, and major programs as well as graduate programs, and offer degrees.

79

80

81

82

83

84

85

86

(F) The director of the center shall submit an annual report to the board of trustees of the university and the general assembly in accordance with section 101.68 of the Revised Code. The report shall provide a full account of the center's achievements, opportunities, challenges, and obstacles in the development of this academic unit."

87

88

89

90

91

92

After line 49660, insert:

93

"Sec. 3364.07. (A) The institute of American constitutional thought and leadership is established for the purpose of creating and disseminating knowledge about American constitutional thought and to form future leaders of the legal profession through research, scholarship, teaching, collaboration, and mentorship. The institute shall be an academic unit within the university of Toledo, initially physically located at the college of law. The university shall require the college of law to provide adequate administrative space for the institute.

94

95

96

97

98

99

100

101

102

(B) The institute shall pursue all of the following goals:

103

(1) To enrich the curriculum in American constitutional studies, including the core texts and great debates of western civilization;

104

105

106

<u>(2) To educate university students in the principles, ideals,</u>	107
<u>and institutions of the American and Ohio constitutional order;</u>	108
<u>(3) To educate university students in the foundations of</u>	109
<u>responsible leadership and informed citizenship and to cultivate</u>	110
<u>the next generation of leaders in the legal profession;</u>	111
<u>(4) To offer university-wide programming related to the</u>	112
<u>values of open inquiry and civil discourse;</u>	113
<u>(5) To expand the intellectual diversity of the university's</u>	114
<u>academic community and to create a rich forum for the development</u>	115
<u>of ideas across the political and ideological spectrum;</u>	116
<u>(6) To support faculty and graduate student scholarship that</u>	117
<u>advances understanding of American constitutional thought and</u>	118
<u>institutions;</u>	119
<u>(7) To promote scholarly collaboration within the university</u>	120
<u>and beyond;</u>	121
<u>(8) To host lectures, debates, and symposia, and sponsor</u>	122
<u>visiting scholars, jurists, and teachers.</u>	123
<u>(C) The institute shall adhere to the following policies:</u>	124
<u>(1) The institute shall educate students by means of free,</u>	125
<u>open, and rigorous intellectual inquiry to seek the truth.</u>	126
<u>(2) The institute shall equip students with the skills,</u>	127
<u>habits, and dispositions of mind they need to reach their own</u>	128
<u>informed conclusions on matters of legal, social, and political</u>	129
<u>importance.</u>	130
<u>(3) The institute shall value intellectual diversity in</u>	131
<u>higher education, including in faculty recruitment, hiring, and</u>	132
<u>appointment, and aspire to enhance the intellectual diversity of</u>	133
<u>academic life at the university.</u>	134

(4) The institute shall create a community dedicated to an ethic of civil and free inquiry, which respects the intellectual freedom of each member, supports individual capacities for growth, and welcomes the differences of opinion that naturally occur in a public university community.

(D)(1) Not later than sixty days after the effective date of this section, the talent, compensation, and governance committee of the board of trustees of the university, if such a committee exists, shall appoint, with the advice and consent of the senate, a seven-member institute academic council. If no such committee exists, the board of trustees shall appoint members under this division.

(2) The academic council shall be comprised of scholars with relevant expertise and experience. Not more than one member of the council may be an employee of the university. Best efforts shall be made to have not fewer than three members of the council be from Ohio.

(3) Three members of the academic council shall serve initial terms of two years and four members shall serve initial terms of four years, which the members shall determine at their first meeting, and select replacements for vacant seats.

(4) To fill a vacancy for the institute director, following a national search, the academic council shall transmit to the president a list of finalists from which the president shall select a director, subject to the approval of the talent, compensation, and governance committee of the board of trustees.

(E)(1) The institute shall be led by a director who shall report directly to the president and provost of the university and consult with the dean of the college of law. The president of the university shall appoint an initial director not later than thirty

days after the effective date of this section. The director shall 165
be an expert of the western tradition, the American founding, and 166
American constitutional thought, and shall have shown a commitment 167
to the purposes, goals, and policies of the institute. The 168
director's term shall be for five years and shall be renewable. 169

(2) The director shall have the protection of tenure or 170
tenure eligibility. Any existing tenure with the university held 171
by a director shall be maintained with the university. 172

(F) The institute shall be an independent academic unit of 173
the university with the authority to house tenure-track faculty 174
who hold their appointments within the institute. Faculty 175
appointed within the institute shall not be required, but may be 176
permitted, to hold joint or courtesy appointments within any other 177
division of the university. 178

(G)(1) The director shall have the sole and exclusive ability 179
to manage the recruitment and hiring process and the authority to 180
extend offers for employment for all faculty and staff, and to 181
terminate employment of all staff. The director shall oversee, 182
develop, and approve the institute's curriculum. The institute 183
shall be granted the authority to offer courses and develop 184
certificate, minor, major, and graduate programs, and offer 185
degrees. 186

(2) Employment contracts offered under division (G)(1) of 187
this section to tenure-track faculty appointed to the institute 188
shall guarantee reappointment elsewhere in the university, at the 189
same rank and compensation, in the event the institute is 190
discontinued. 191

(H) The director of the institute shall submit an annual 192
report to the board of trustees of the university and the general 193
assembly in accordance with section 101.68 of the Revised Code. 194

The report shall provide a full account of the institute's 195
achievements, opportunities, challenges, and obstacles in the 196
development of this academic unit. 197

(I) The board of trustees of the university may change the 198
name of the institute in accordance with the philanthropic naming 199
policies and practices of the university." 200

In line 230244, delete "\$7,750,000 \$5,700,000" and insert 201
"\$13,750,000 \$11,700,000" 202

In line 230269, add \$6,000,000 to each fiscal year 203

In line 230295, add \$6,000,000 to each fiscal year 204

After line 231318, insert: 205

"(I) Of the foregoing appropriation item 235533, Program and 206
Project Support, \$5,000,000 in each fiscal year shall be 207
distributed to The Ohio State University to support the Salmon P. 208
Chase Center for Civics, Culture, and Society established under 209
section 3335.39 of the Revised Code. 210

(J) Of the foregoing appropriation item 235533, Program and 211
Project Support, \$1,000,000 in each fiscal year shall be 212
distributed to the University of Toledo to support the Institute 213
of American Constitutional Thought and Leadership established 214
under section 3364.07 of the Revised Code." 215

The motion was _____ agreed to.

SYNOPSIS

Salmon P. Chase Center for Civics, Culture, and Society 216

R.C. 3335.39 217

Establishes the Salmon P. Chase Center for Civics, Culture, and Society as an academic unit within the Ohio State University.	218 219
Requires the Center to conduct teaching and research in the historical ideas, traditions, and texts that have shaped the American constitutional order and society.	220 221 222
Institute of American Constitutional Thought and Leadership	223
R.C. 3364.07	224
Establishes the Institute of American Constitutional Thought and Leadership as an academic unit within the University of Toledo.	225 226 227
Describes the purpose of the institute as being for the pursuit of creating and disseminating knowledge about American constitutional thought and to form future leaders of the legal profession through research, scholarship, teaching, collaboration, and mentorship.	228 229 230 231 232
Department of Higher Education	233
Sections 381.10 and 381.410	234
Increases GRF ALI 235533, Program and Project Support, by \$6,000,000 in each fiscal year, to support the following earmarks:	235 236
1. \$5,000,000 in each fiscal year to be distributed to the Ohio State University to support the Salmon P. Chase Center for Civics, Culture, and Society.	237 238 239
2. \$1,000,000 in each fiscal year to be distributed to the University of Toledo to support the Institute of American Constitutional Thought and Leadership.	240 241 242

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

- In line 101 of the title, after "3745.11," insert "3745.30," 1
- In line 701, after "3745.11," insert "3745.30," 2
- After line 58104, insert: 3

"**Sec. 3745.30.** (A)(1) As used in this section, "policy" means 4
 a ~~written~~ clarification ~~or~~, explanation, or interpretation of a 5
 statute or rule, or elaboration based on environmental protection 6
agency authority or expectations, that is initiated or used by the 7
 environmental protection agency for regulatory purposes and not 8
adopted in accordance with rules adoption procedures consistent 9
with this chapter and Chapter 119. of the Revised Code. "Policy" 10
includes documents, manuals, advisories, protocols, forms, and 11
other written or electronic materials provided to the public, a 12
regulated party, or agency personnel regarding the substance, 13
requirements, procedures, or interpretation of a statute or rule. 14
 "Policy" does not include any ~~educational guideline, suggestion,~~ 15
~~or case study regarding how to comply with a statute or rule or~~ 16
~~any document or guideline regarding the internal organization or~~ 17
~~operation of the agency, including matters regarding~~ 18
~~administration, personnel, or accounting~~ of the following: 19

<u>(a) Matters relating only to the agency's internal management</u>	21
<u>functions;</u>	22
<u>(b) Any final adjudicatory order or action issued in</u>	23
<u>accordance with this chapter and Chapter 119. of the Revised Code</u>	24
<u>applicable only to specific parties to an adjudication proceeding;</u>	25
<u>(c) An emergency order issued in accordance with section</u>	26
<u>3710.13, division (B) of section 3714.12, division (B) of section</u>	27
<u>3734.13, division (B) of section 6109.05, or division (C) of</u>	28
<u>section 6111.06 of the Revised Code.</u>	29
(2) A policy does not have the force <u>or effect</u> of law.	30
<u>(3) The environmental protection agency may exercise</u>	31
<u>quasi-legislative, quasi-judicial, permitting, enforcement, or</u>	32
<u>other regulatory functions based only on an applicable statute or</u>	33
<u>valid rule. The application of a policy by the environmental</u>	34
<u>protection agency in a manner that makes the policy the functional</u>	35
<u>equivalent of, or a substitute for, a statute or rule, or that</u>	36
<u>effectively alters or amends a statute or rule, or that assumes</u>	37
<u>powers not plainly delegated to the agency by statute, is</u>	38
<u>prohibited.</u>	39
(B) Policies established by the agency shall be subject to	40
all of the following requirements:	41
(1) A policy shall comply with the statutes and rules that	42
are in existence at the time the policy is established;	43
(2) A policy shall not establish any new requirement,	44
<u>substantive duty, obligation, prohibition, or regulatory burden</u>	45
<u>not imposed by a statute or rule, or impair any right or permitted</u>	46
<u>conduct;</u>	47
(3) A policy shall be established only at the central office	48
<u>headquarters</u> of the agency;	49

(4) The first page of each policy shall have printed on it 50
the following statement in uppercase letters: "this policy ~~does is~~ 51
not ~~have the force of law-;~~" 52

(5) Each policy shall be displayed on, and searchable 53
through, the agency's web site. 54

(C) Every five years the agency shall review each policy that 55
it established prior to the effective date of this section or that 56
it establishes after the effective date of this section and shall 57
prepare written documentation certifying that the policy has been 58
reviewed. The documentation is a public record under section 59
149.43 of the Revised Code. A policy that has not been so reviewed 60
is void. 61

(D) A In addition to any other remedy provided by law, 62
including rights to appeal any final agency action and defenses to 63
an enforcement action, a person may file a written complaint at 64
any time with the director of environmental protection alleging 65
that a policy established by the agency does not comply with the 66
requirements established under divisions (A)(3), (B)(1) to (3)(5), 67
or (C) of this section. Not later than ninety days after receiving 68
the complaint, the director shall review the policy and issue a 69
determination as to whether the policy complies with those 70
requirements. A determination issued by the director under this 71
division is not a final action that is appealable under this 72
chapter. 73

(E) The agency's proposed policies shall be advertised ~~in~~ on 74
its ~~weekly review~~ web site. 75

(F) Notwithstanding section 149.43 of the Revised Code, not 76
later than ninety days after the effective date of this section, 77
the agency shall compile at its ~~central office~~ headquarters a copy 78
of all its policies. The copy of policies shall be kept current 79

and made available for public inspection and copying." 80

In line 108839, after "3745.11," insert "3745.30," 81

The motion was _____ agreed to.

SYNOPSIS

Policies of the Ohio Environmental Protection Agency 82

R.C. 3745.30 83

Revises the statute governing OEPA policies to ensure that 84
those policies are consistent with, and not more stringent than, 85
Ohio's environmental protection laws and rules adopted under them. 86

Prohibits a policy from establishing any substantive duty, 87
obligation, prohibition, or regulatory burden not imposed by a 88
statute or rule. 89

Specifies that the application of a policy by OEPA in a 90
manner that makes the policy the functional equivalent of, or a 91
substitute for, a statute or rule, or that effectively alters or 92
amends a statute or rule, or that assumes powers not plainly 93
delegated to the agency by statute, is prohibited. 94

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 37 of the title, after "340.01," insert "340.035," 1

In line 163 of the title, after "5160.40," insert "5160.45," 2

In line 653, after "340.01," insert "340.035," 3

In line 745, after "5160.40," insert "5160.45," 4

After line 21811, insert: 5

"**Sec. 340.035.** (A) A board of alcohol, drug addiction, and 6
mental health services may advocate on behalf of medicaid 7
recipients enrolled in medicaid managed care organizations and 8
medicaid-eligible individuals, any of whom have been identified as 9
needing addiction or mental health services. 10

(B)(1) The department of mental health and addiction services 11
and the department of medicaid shall, not later than December 31, 12
2024, develop and implement standards and procedures for the 13
exchange of medicaid recipient information, as defined in section 14
5160.45 of the Revised Code, between boards of alcohol, drug 15
addiction, and mental health services and the department of 16
medicaid to the fullest extent permitted by federal law. The 17
information shall be exchanged in accordance with those standards 18
and procedures. 19

(2) Not later than March 31, 2025, each of the departments 20

shall prepare a report specifying how the respective department
has met the information exchange requirements of division (B)(1)
of this section, the extent to which the department determined
that information could be exchanged pursuant to federal law, and
the reasoning supporting those determinations. On completion, each
of the reports shall be submitted to the general assembly in
accordance with section 101.68 of the Revised Code."

After line 90181, insert:

"**Sec. 5160.45.** (A) As used in sections 5160.45 to 5160.481 of
the Revised Code, "information" means all of the following:

(1) Records, as defined in section 149.011 of the Revised
Code;

(2) Any other documents in any format;

(3) Data derived from records and documents that are
generated, acquired, or maintained by the department of medicaid,
a county department of job and family services, or an entity
performing duties on behalf of the department or a county
department.

(B) Except as permitted by this section, division (B) of
section 340.035, section 5160.47, or rules authorized by section
5160.48 or 5160.481 of the Revised Code, or when required by
federal law, no person or government entity shall use or disclose
information regarding a medical assistance recipient for any
purpose not directly connected with the administration of a
medical assistance program.

(C) Both of the following shall be considered to be purposes
directly connected with the administration of a medical assistance
program:

(1) Treatment, payment, or other operations or activities	49
authorized by 42 C.F.R. Chapter IV;	50
(2) Any administrative function or duty the department of	51
medicaid performs alone or jointly with a federal government	52
entity, another state government entity, or a local government	53
entity implementing a provision of federal law.	54
(D) The department or a county department of job and family	55
services may disclose information regarding a medical assistance	56
recipient to any of the following:	57
(1) The recipient or the recipient's authorized	58
representative;	59
(2) The recipient's legal guardian in accordance with	60
division (C) of section 2111.13 of the Revised Code;	61
(3) The attorney of the recipient, if the department or	62
county department has obtained authorization from the recipient or	63
the recipient's authorized representative or legal guardian that	64
meets all requirements of the Health Insurance Portability and	65
Accountability Act of 1996, 42 U.S.C. 1320d et seq., regulations	66
promulgated by the United States department of health and human	67
services to implement the act, section 5160.46 of the Revised	68
Code, and any rules authorized by section 5160.48 of the Revised	69
Code;	70
(4) A health information or health records management entity	71
that has executed with the department a business associate	72
agreement required by 45 C.F.R 164.502(e)(2) and has been	73
authorized by the recipient or the recipient's authorized	74
representative or legal guardian to receive the recipient's	75
electronic health records in accordance with rules authorized by	76
section 5160.48 of the Revised Code;	77

(5) A court if pursuant to a written order of the court. 78

(E) The department may receive from county departments of job 79
 and family services information regarding any medical assistance 80
 recipient for purposes of training and verifying the accuracy of 81
 eligibility determinations for a medical assistance program. The 82
 department may assemble information received under this division 83
 into a report if the report is in a form specified by the 84
 department. Information received and assembled into a report under 85
 this division shall remain confidential and not be subject to 86
 disclosure pursuant to section 149.43 or 1347.08 of the Revised 87
 Code. 88

(F) The department shall notify courts in this state 89
 regarding its authority, under division (D)(5) of this section, to 90
 disclose information regarding a medical assistance recipient 91
 pursuant to a written court order." 92

In line 108791, after "340.01," insert "340.035," 93

In line 108883, after "5160.40," insert "5160.45," 94

The motion was _____ agreed to.

SYNOPSIS

Exchange of Medicaid recipient information with ADAMHS boards 95

R.C. 340.035 and 5160.45 96

Adds the following provisions: 97

- Requires OhioMHAS and the Ohio Department of Medicaid (ODM) 98
 to adopt rules establishing requirements and procedures for the 99
 exchange of Medicaid recipient data between ADAMHS boards and ODM. 100

- Requires the data to be exchanged accordingly. 101
- Requires OhioMHAS and ODM to each submit a report with 102
specified information regarding the data exchange requirements and 103
procedures. 104

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

- In line 37 of the title, after "340.01," insert "340.02, 340.022, "; after "340.036," insert "340.04, "; after "340.08," insert "340.30," 1-3
- In line 157 of the title, after "5119.36," insert "5119.363," 4
- In line 240 of the title, after "184.03," insert "340.20," 5
- In line 653, after "340.01," insert "340.02, 340.022, "; after "340.036," insert "340.04, "; after "340.08," insert "340.30," 6-7
- In line 741, after "5119.36," insert "5119.363," 8
- In line 21789, strike through all after "Code" 9
- Strike through line 21790 10
- In line 21791, strike through all before "to" 11
- In line 21794, after the period, insert "The plan or plans shall include all of the following: proposed bylaws for the operation of the newly established district; a list of potential board members; a list of the behavioral health services available in the newly established district, including inpatient, outpatient, prevention, and housing services; equitable adjustment and division of all services, assets, property, debts, and obligations of the former joint-county district; a plan ensuring no disruption in behavioral health services in the newly" 12-20

established district; and provision for the employment of an 21
executive director of the newly established district. 22

The director shall approve the plan not later than one year 23
after the date the resolution was adopted by the board of county 24
commissioners."; strike through "service" 25

In line 21798, strike through "Any" and insert: 26

"Any" 27

After line 21811, insert: 28

"**Sec. 340.02.** (A) For each alcohol, drug addiction, and 29
mental health service district, there shall be appointed a board 30
of alcohol, drug addiction, and mental health services ~~consisting.~~ 31
As provided in this section, the board shall consist of eighteen 32
~~members or, fifteen members, fourteen members, twelve members, or~~ 33
nine members. ~~Should the board of alcohol, drug addiction, and~~ 34
~~mental health services elect to remain at eighteen members, as~~ 35
~~provided under section 340.02 of the Revised Code as it existed~~ 36
~~immediately prior to the date of this amendment, the board of~~ 37
~~alcohol, drug addiction, and mental health services and the board~~ 38
~~of county commissioners shall not be required to take any action.~~ 39
~~Should the board of alcohol, drug addiction, and mental health~~ 40
~~services elect a recommendation to become a fourteen member board,~~ 41
~~that recommendation must be approved by the board of county~~ 42
~~commissioners of the county in which the alcohol, drug addiction,~~ 43
~~and mental health district is located in order for the transition~~ 44
~~to a fourteen member board to occur. Not later than September 30,~~ 45
~~2013, each board of alcohol, drug addiction, and mental health~~ 46
~~services wishing to become a fourteen member board shall notify~~ 47
~~the board of county commissioners of that recommendation. Failure~~ 48
~~of the board of county commissioners to take action within thirty~~ 49

~~days after receipt of the recommendation shall be deemed agreement 50
by the board of county commissioners to transition to a 51
fourteen member board of alcohol, drug addiction, and mental 52
health services. Should the board of county commissioners reject 53
the recommendation, the board of county commissioners shall adopt 54
a resolution stating that rejection within thirty days after 55
receipt of the recommendation. Upon adoption of the resolution, 56
the board of county commissioners shall meet with the board of 57
alcohol, drug addiction, and mental health services to discuss the 58
matter. After the meeting, the board of county commissioners shall 59
notify the department of mental health and addiction services of 60
its election not later than January 1, 2014. In a joint county 61
district, a majority of the boards of county commissioners must 62
not reject the recommendation of a joint county board to become a 63
fourteen member board in order for the transition to a 64
fourteen member board to occur. Should the joint county district 65
have an even number of counties, and the boards of county 66
commissioners of these counties tie in terms of whether or not to 67
accept the recommendation of the alcohol, drug addiction, and 68
mental health services board, the recommendation of the alcohol, 69
drug addiction, and mental health service board to become a 70
fourteen member board shall prevail. The election shall be final. 71
Failure to provide notice of its election to the department on or 72
before January 1, 2014, shall constitute an election to continue 73
to operate as an eighteen member board, which election shall also 74
be final. If an existing board provides timely notice of its 75
election to transition to operate as a fourteen member board, the 76
number of board members may decline from eighteen to fourteen by 77
attrition as current members' terms expire. However, the 78
composition of the board must reflect the requirements set forth 79
in this section for fourteen member boards. For all boards, half 80~~

~~of the members shall be interested in mental health services and 81
half of the members shall be interested in alcohol, drug, or 82
gambling addiction services. 83~~

In a single-county district, the size of the board shall be 84
determined by the board of county commissioners representing the 85
county that constitutes the district. In a joint-county district, 86
the size of the board shall be determined jointly by all of the 87
boards of county commissioners representing the counties that 88
constitute the district. 89

The determination of board size shall be made by selecting 90
one of the options described in division (B) of this section. 91
After an option is selected and implemented, a subsequent 92
determination of board size may be made, except that subsequent 93
determinations shall not occur more frequently than once every 94
four calendar years. 95

If a selected option would result in a change in board size, 96
before the option may be implemented the board of county 97
commissioners or boards of county commissioners, as the case may 98
be, shall send a representative to a meeting of the board of 99
alcohol, drug addiction, and mental health services to solicit 100
feedback about the matter. After considering any feedback 101
received, the board or boards of county commissioners may proceed 102
with implementing the change in board size. If the change results 103
in a reduction of board members, the reduction shall be 104
implemented by not filling vacancies as they occur. 105

To implement a selected option that would result in the 106
establishment of a new board of alcohol, drug addiction, and 107
mental health services or in a change in size of an existing 108
board, the board or boards of county commissioners, as the case 109
may be, shall adopt a resolution specifying the board size that 110

has been selected. The board or boards of county commissioners 111
also shall notify the department of mental health and addiction 112
services of the board size that has been selected. 113

(B)(1) In the case of a board of alcohol, drug addiction, and 114
mental health services that is established on or after the 115
effective date of this amendment, any of the following options may 116
be selected for purposes of division (A) of this section: 117

(a) To establish the board as an eighteen-member board; 118

(b) To establish the board as a fifteen-member board; 119

(c) To establish the board as a fourteen-member board; 120

(d) To establish the board as a twelve-member board; 121

(e) To establish the board as a nine-member board; 122

(f) To change the board's size after it has been established 123
by selecting a number of members that is eighteen, fifteen, 124
fourteen, twelve, or nine, as the case may be. 125

(2) In the case of a board of alcohol, drug addiction, and 126
mental health services that existed immediately prior to the 127
effective date of this amendment, either of the following options 128
may be selected for purposes of division (A) of this section: 129

(a) To continue the board's operation as an eighteen-member 130
or fourteen-member board, as a board of that size was authorized 131
prior to the effective date of this amendment, in which case no 132
further action is required; 133

(b) To change the board's size by selecting a number of 134
members that is eighteen, fifteen, fourteen, twelve, or nine as 135
the case may be. 136

(C) All members shall be residents of the service district. 137
The membership shall, as nearly as possible, reflect the 138

composition of the population of the service district as to race 139
and sex. 140

~~(B) For boards operating as eighteen member boards, the~~ 141
The 142
director of mental health and addiction services shall appoint 143
~~eight~~ one-third of the members of the board and the board of 144
county commissioners shall appoint ~~ten~~ two-thirds of the members. 145
~~For boards operating as fourteen member boards, the director of~~ 146
~~mental health and addiction services shall appoint six members of~~ 147
~~the board and the board of county commissioners shall appoint~~ 148
~~eight members.~~ In a joint-county district, the board of county 149
commissioners of each participating county shall appoint members 150
in as nearly as possible the same proportion as that county's 151
population bears to the total population of the district, except 152
that at least one member shall be appointed from each 153
participating county.

~~(C)~~ The director of mental health and addiction services 154
shall ensure that at least one member of the board is a clinician 155
with experience in the delivery of mental health services, at 156
least one member of the board is a person who has received or is 157
receiving mental health services, at least one member of the board 158
is a parent or other relative of such a person, at least one 159
member of the board is a clinician with experience in the delivery 160
of addiction services, at least one member of the board is a 161
person who has received or is receiving addiction services, and at 162
least one member of the board is a parent or other relative of 163
such a person. A single member who meets both qualifications may 164
fulfill the requirement for a clinician with experience in the 165
delivery of mental health services and a clinician with experience 166
in the delivery of addiction services. 167

~~(D)~~ No member or employee of a board of alcohol, drug 168
addiction, and mental health services shall serve as a member of 169

the board of any provider with which the board of alcohol, drug 170
 addiction, and mental health services has entered into a contract 171
 for the provision of services or facilities. No member of a board 172
 of alcohol, drug addiction, and mental health services shall be an 173
 employee of any provider with which the board has entered into a 174
 contract for the provision of services or facilities. No person 175
 shall be an employee of a board and such a provider unless the 176
 board and provider both agree in writing. 177

~~(E)~~ No person shall serve as a member of the board of 178
 alcohol, drug addiction, and mental health services whose spouse, 179
 child, parent, brother, sister, grandchild, stepparent, stepchild, 180
 stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 181
 daughter-in-law, brother-in-law, or sister-in-law serves as a 182
 member of the board of any provider with which the board of 183
 alcohol, drug addiction, and mental health services has entered 184
 into a contract for the provision of services or facilities. No 185
 person shall serve as a member or employee of the board whose 186
 spouse, child, parent, brother, sister, stepparent, stepchild, 187
 stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 188
 daughter-in-law, brother-in-law, or sister-in-law serves as a 189
 county commissioner of a county or counties in the alcohol, drug 190
 addiction, and mental health service district. 191

~~(F)~~ Each year each board member shall attend at least one 192
 inservice training session provided or approved by the department 193
 of mental health and addiction services. 194

~~(G) For boards operating as eighteen member boards, each~~ Each 195
 member shall be appointed for a term of four years, commencing the 196
 first day of July, except that ~~one third of initial appointments~~ 197
~~to a newly established board, and to the extent possible to~~ 198
~~expanded boards, shall be for terms of two years, one third of~~ 199
~~initial appointments shall be for terms of three years, and~~ 200

~~one third of initial appointments shall be for terms of four 201
years. For boards operating as fourteen member boards, each member 202
shall be appointed for a term of four years, commencing the first 203
day of July, except that four of the initial appointments to a 204
newly established board, and to the extent possible to expanded 205
boards, shall be for terms of two years, five initial appointments 206
shall be for terms of three years, and five initial appointments 207
shall be for terms of four years. No when a board is established 208
on or after the effective date of this amendment, the initial 209
appointments shall be staggered among the members as equally as 210
possible with terms of two years, three years, and four years. 211~~

No member shall serve more than two consecutive four-year 212
terms under the same appointing authority. A member may serve for 213
three consecutive terms under the same appointing authority only 214
if one of the terms is for less than two years. A member who has 215
served two consecutive four-year terms or three consecutive terms 216
totaling less than ten years is eligible for reappointment by the 217
same appointing authority one year following the end of the second 218
or third term, respectively. 219

When a vacancy occurs, appointment for the expired or 220
unexpired term shall be made in the same manner as an original 221
appointment. The board shall notify the appointing authority 222
either by certified mail or, if the board has record of an 223
internet identifier of record associated with the authority, by 224
ordinary mail and by that internet identifier of record of any 225
vacancy and shall fill the vacancy within sixty days following 226
that notice. As used in this paragraph, "internet identifier of 227
record" has the same meaning as in section 9.312 of the Revised 228
Code. 229

Any member of the board may be removed from office by the 230
appointing authority ~~for neglect of duty, misconduct, or 231~~

~~malfeasance in office, and shall be removed by the appointing authority if the member is barred by this section from serving as a board member at will. The~~ Before a member may be removed at will, the member shall be informed in writing of the ~~charges~~ proposed removal and afforded an opportunity for a public hearing. Upon the absence of a member within one year from either four board meetings or from two board meetings without prior notice, the board shall notify the appointing authority, which may vacate the appointment and appoint another person to complete the member's term.

Members of the board shall serve without compensation, but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties, as defined by rules of the department of mental health and addiction services.

~~(H) As used in this section, "internet identifier of record" has the same meaning as in section 9.312 of the Revised Code.~~

Sec. 340.022. ~~(A) if~~ Notwithstanding the procedures established by section 340.02 of the Revised Code for determining the size of a board of alcohol, drug addiction, and mental health services, the size of a board shall be determined in accordance with this section in both of the following circumstances:

(A)(1) If the director of mental health and addiction services during the period beginning January 1, 2021, and ending December 31, 2022, grants approval to a board of county commissioners of a county with a population of at least seventy thousand but not more than eighty thousand, according to data from the 2010 federal census, to withdraw from a joint-county alcohol, drug addiction, and mental health service district pursuant to section 340.01 of the Revised Code, ~~The~~ the size of the board shall be determined by the board of county commissioners

representing the county that constitutes the single-county 262
 alcohol, drug addiction, and mental health service district 263
created as a result of the withdrawal. The determination shall be 264
 made from among the options that may be selected under division 265
~~(B)~~(A)(2) of this section. Once an option is selected, the board 266
 of county commissioners shall adopt a resolution specifying the 267
 selection that has been made and shall notify the department of 268
 mental health and addiction services. After the resolution is 269
 adopted and the department is notified, the determination of size 270
 is final. 271

~~(B)~~(1)(2) In the case of a board of alcohol, drug addiction, 273
 and mental health services that is established on or after the 274
 date the director grants the approval to withdraw described in 275
 division ~~(A)~~(A)(1) of this section, ~~any~~ either of the following 276
 options may be selected by the board of county commissioners when 277
 making the determination required under that division: 278

(a) To establish the board as an eighteen-member board; 279

(b) To establish the board as a fourteen-member board. 280

~~(C)~~(3) When a board is established on or after ~~the effective~~ 281
~~date of this section~~September 30, 2021, the initial appointments 282
 shall be staggered among the members as equally as possible with 283
 terms of two years, three years, and four years. 284

~~(D)~~(1) ~~Notwithstanding the membership requirements of section~~ 285
~~340.02 of the Revised Code, if~~(B)(1) If a county with a population 286
 of at least thirty-five thousand but not more than forty-five 287
 thousand, according to data from the 2010 federal census, joins an 288
 existing alcohol, drug addiction, and mental health service 289
 district during the period beginning on June 30, 2021, and ending 290
 June 30, 2023, the existing board of alcohol, drug addiction, and 291

mental health services serving that district may elect to expand 292
 its membership to eighteen members if the existing board has 293
 fourteen members. 294

(2) The option to expand the board, as provided in division 295
~~(D)~~~~(1)~~(B)(1) of this section, is available only during the 296
 twelve-month period beginning on the date the county with a 297
 population of at least thirty-five thousand but not more than 298
 forty-five thousand joins the alcohol, drug addiction, and mental 299
 health service district served by the board. The additional 300
 members shall be appointed in the manner specified in section 301
 340.02 of the Revised Code." 302

After line 21872, insert: 303

"**Sec. 340.04.** Each board of alcohol, drug addiction, and 304
 mental health services shall employ a qualified mental health or 305
 addiction services professional with experience in administration 306
 or a professional administrator with experience in mental health 307
 services or addiction services to serve as executive director of 308
 the board and shall prescribe the director's duties. 309

The board shall fix the compensation of the executive 310
 director. In addition to such compensation, the director shall be 311
 reimbursed for actual and necessary expenses incurred in the 312
 performance of the director's official duties. The board, by 313
 majority vote of the full membership, may remove the director for 314
 cause at any time, contingent upon any written contract between 315
the board and the executive director, upon written charges, after 316
 an opportunity has been afforded the director for a hearing before 317
 the board on request. 318

The board may delegate to its executive director the 319
 authority to act in its behalf in the performance of its 320

administrative duties. 321

As used in this section, "mental health professional" and 322
 "addiction services professional" mean an individual who is 323
 qualified to work with persons with mental illnesses or persons 324
 receiving addiction services, pursuant to standards established by 325
 the director of mental health and addiction services under Chapter 326
 5119. of the Revised Code." 327

After line 21974, insert: 328

"**Sec. 340.30.** (A) There is hereby created the county hub 329
 program to combat opioid addiction. The purposes of the program 330
 are as follows: 331

(1) To strengthen county and community efforts to prevent and 332
 treat opioid addiction; 333

(2) To educate youth and adults about the dangers of opioid 334
 addiction and the negative effects it has on society; 335

(3) To promote family building and workforce development as 336
 ways of ~~combating~~ combating opioid addiction in communities; 337

(4) To encourage community engagement in efforts to address 338
 the purposes specified in divisions (A)(1) to (3) of this section. 339

(B) The program shall be administered by each board of 340
 alcohol, drug addiction, and mental health services. If the 341
 service district a board represents consists of more than one 342
 county, the board shall administer the program in each county. 343

~~(C) Not later than January 1, 2020, each board shall submit a 344
 report to the department of mental health and addiction services 345
 summarizing the board's work on, and progress toward, addressing 346
 each of the program's purposes. The department shall aggregate the 347
 reports received from the boards and submit a statewide report to 348~~

the governor and general assembly. The copy submitted to the 349
 general assembly shall be submitted in accordance with section 350
 101.68 of the Revised Code." 351

After line 87553, insert: 352

"**Sec. 5119.363.** The director of mental health and addiction 353
 services shall adopt rules governing ~~the duties of boards of~~ 354
~~alcohol, drug addiction, and mental health services under section~~ 355
~~340.20 of the Revised Code~~ and the duties of community addiction 356
 services providers under section 5119.362 of the Revised Code. The 357
 rules shall be adopted in accordance with Chapter 119. of the 358
 Revised Code. 359

The director shall adopt rules under this section that 360
 authorize the department of mental health and addiction services 361
 to determine an advanced practice registered nurse's, physician 362
 assistant's, or physician's compliance with section 3719.064 of 363
 the Revised Code if such practitioner works for a community 364
 addiction services provider." 365

In line 108791, after "340.01," insert "340.02, 340.022,"; 366
 after "340.036," insert "340.04,"; after "340.08," insert 367
 "340.30," 368

In line 108879, after "5119.36," insert "5119.363," 369

In line 108912, after "184.03," insert "340.20," 370

The motion was _____ agreed to.

SYNOPSIS

Withdrawal from a joint-county district 371

R.C. 340.01	372
Adds provisions regarding ADAMHS boards and their service districts, as follows:	373 374
-Requires a board of county commissioner's comprehensive plan for withdrawal from a joint-county alcohol, drug addiction, and mental health service district ("joint-county district") to include additional information about the new district and its continuation of services.	375 376 377 378 379
-Requires the OhioMHAS Director to approve the comprehensive plan within one year from the date the board adopts the resolution to withdraw.	380 381 382
Composition and appointment of ADAMHS boards	383
R.C. 340.02, 340.022, and 340.03	384
Adds provisions that modify the composition and appointment of ADAMHS boards, as follows:	385 386
-Permits ADAMHS boards to have 18, 15, 14, 12, or 9 members, instead of only 18 or 14.	387 388
-Expands the appointment authority of boards of county commissioners to two-thirds of ADAMHS board seats, and, proportionally reduces the appointment authority of the OhioMHAS Director to one-third of ADAMHS board seats.	389 390 391 392
-Permits the appointing authority to remove an ADAMHS board member at will, instead of for enumerated causes, and specifies that the pre-removal hearing be public.	393 394 395
Executive director	396
R.C. 340.04	397
Adds a provision clarifying that the current authority of an	398

ADAMHS board to remove its executive director for cause applies at	399
any time, contingent upon any written contract between the board	400
and the executive director.	401
Authority of ADAMHS boards	402
R.C. 340.30, 5119.362, and 5119.363; R.C. 340.20 (repealed)	403
Adds provisions that eliminate the following:	404
-The requirement that ADAMHS boards take certain actions	405
based on data in monthly reports from community addiction services	406
providers, made available to the boards by OhioMHAS.	407
-Obsolete provisions describing past local and statewide	408
reports regarding each ADAMHS board's work on the existing county	409
hub program to combat opioid addiction.	410

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 177 of the title, after "5709.50," insert "5709.51," 1

In line 755, after "5709.50," insert "5709.51," 2

After line 96911, insert: 3

"**Sec. 5709.51.** (A) The legislative authority of a municipal 4
corporation, a board of township trustees, or a board of county 5
commissioners may amend or provide in an ordinance or resolution 6
adopted in accordance with division (B) of section 5709.40, 7
section 5709.41, division (B) of section 5709.73, or division (A) 8
of section 5709.78 of the Revised Code, as applicable, to extend 9
the exemption from taxation of improvements to the parcel or 10
parcels designated in the ordinance or resolution for an 11
additional period of not more than thirty years if all of the 12
following conditions are met: 13

(1) ~~The~~ Either (a) the service payments made pursuant to 14
section 5709.42, 5709.74, or 5709.79 of the Revised Code by the 15
owner or owners of the parcel or parcels designated in the 16
ordinance or resolution exceeded one million five hundred thousand 17
dollars in the calendar year preceding the adoption of the 18
amendment or (b) the legislative authority of the municipal 19
corporation, a board of township trustees, or a board of county 20

commissioners determines that the service payments to be made 21
pursuant to section 5709.42, 5709.74, or 5709.79 of the Revised 22
Code by the owner or owners of the parcel or parcels designated in 23
the ordinance or resolution will exceed one million five hundred 24
thousand dollars in any future year. 25

(2) The service payments described in division (A)(1) of this 26
section did not exceed one million five hundred thousand dollars 27
in any calendar year before the calendar year immediately 28
preceding the adoption of the amendment. This condition applies 29
only to amendments adopted under this section on or after January 30
1, ~~2021~~ 2024. 31

(3) The amendment extending or the ordinance or resolution 32
approving the exemption provides for compensation to the city, 33
local, or exempted village school district in which the parcel or 34
parcels are located equal in value to the amount of taxes that 35
would be payable to the school district if the improvements had 36
not been exempted from taxation for the additional period. 37

(B) Not later than fifteen days after adopting or amending an 38
ordinance or resolution under this section, the legislative 39
authority of the municipal corporation, board of township 40
trustees, or board of county commissioners shall send a copy of 41
the amendment to the director of development ~~services~~. 42

(C) The amendment to this section by H.B. 33 of the 135th 43
general assembly applies to any proceedings commenced after the 44
effective date of that amendment, and, insofar as the amendment 45
supports the actions taken, also applies to proceedings that, on 46
that date, are pending, in progress, or completed, notwithstanding 47
the applicable law previously in effect or any provision to the 48
contrary in a prior resolution, ordinance, order, advertisement, 49
notice, or other proceeding. Any proceedings pending or in 50

<u>progress on the effective date of that amendment, shall be deemed</u>	51
<u>to have been taken in conformity with that amendment."</u>	52

In line 108893, after "5709.50," insert "5709.51,"	53
--	----

After line 235887, insert:	54
----------------------------	----

" Section 757. ____. (A) As used in this section, "impacted	55
city" has the same meaning as in section 1728.01 of the Revised	56
Code.	57

(B) Notwithstanding the requirement under division (B) of	58
section 5709.40 of the Revised Code for an ordinance to designate	59
specific public improvements made, to be made, or in the process	60
of being made by the municipal corporation that directly benefit	61
one or more parcels identified in the ordinance, and not later	62
than June 30, 2024, the legislative authority of an impacted city	63
may include a determination in an ordinance adopted under division	64
(B) of section 5709.40 of the Revised Code that satisfactory	65
provision has been made for the public improvement needs of the	66
parcels identified in the ordinance and may specify other public	67
improvements made, to be made, or in the process of being made in	68
the impacted city that do not directly benefit the parcels	69
identified in the ordinance but are in support of urban	70
redevelopment within the meaning of section 5709.41 of the Revised	71
Code."	72

The motion was _____ agreed to.

SYNOPSIS

TIF extension	73
----------------------	----

R.C. 5709.51	74
---------------------	----

Modifies, as follows, the circumstances under which a county, 75
municipality, or township may extend the term of a tax increment 76
financing arrangement (TIF) by an additional 30 years, as 77
authorized under current law: 78

--As an alternative to the existing requirement that the TIF 79
service payments exceed \$1.5 million in the year before the 80
extension is adopted, allows a subdivision to determine that 81
payments will meet the \$1.5 million threshold in a future year of 82
the TIF. 83

--Applies a bar that prohibits an extension if the service 84
payments exceeded \$1.5 million in any year preceding the year 85
before the extension is adopted to extensions adopted after 2023. 86
(Current law only applies this bar to extensions adopted after 87
2020.) 88

--Rather than waiting for or satisfying one of the above 89
requirements to amend an existing ordinance or resolution to 90
authorize an extension, allows a subdivision to extend the term of 91
a TIF in the original ordinance or resolution authorizing the TIF, 92
presumably based on the subdivision's determination that the 93
payments will meet the \$1.5 million threshold in the future. 94

Applies the changes to pending and completed proceedings. 95

Impacted city TIF service payment reallocation 96

Section 757.___ 97

Authorizes the legislative authority of an impacted city, 98
i.e., a city that meets certain urbanization or disaster criteria, 99
to, before July 1, 2024, adopt an ordinance providing that the 100
public improvements directly benefits parcels for which TIF 101
service payments have been used have been sufficiently provided 102
for and reallocating service payments to other public improvements 103

that do not directly benefit the parcels but that contribute to
urban redevelopment.

104

105

_____ moved to amend as follows:

1 In line 27593, after the second underlined comma insert
2 "video channels,"

3 Delete lines 27723 through 27732 and insert:

4 "(N) (1) This section does not apply to an online web site,
5 service, or product where the predominant or exclusive function
6 is:

7 (a) Cloud storage or cloud computing services;

8 (b) Broadband internet access services;

9 (c) Search engine services."

10 The motion was _____ agreed to.

11 SYNOPSIS

12 **Parental consent for social media**

13 **R.C. 1349.09**

14 Specifies that operators of websites, services, or products
15 that allow users to post video content are subject to the Senate
16 substitute bill's parental consent requirements. Modifies an
17 exclusion added by the Senate substitute bill for operators that
18 predominantly or exclusively offer cloud storage, cloud
19 computing, broadband internet access, or a search engine.

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 180 of the title, after "5727.28," insert "5727.30," 1

In line 757, after "5727.28," insert "5727.30," 2

After line 99182, insert: 3

"**Sec. 5727.30.** (A) Except as provided in divisions (B), (C), 4
~~and~~ (D), and (E) of this section, each public utility, except 5
railroad companies, shall be subject to an annual excise tax, as 6
provided by sections 5727.31 to 5727.62 of the Revised Code, for 7
the privilege of owning property in this state or doing business 8
in this state during the twelve-month period next succeeding the 9
period upon which the tax is based. The tax shall be imposed 10
against each such public utility that, on the first day of such 11
twelve-month period, owns property in this state or is doing 12
business in this state, and the lien for the tax, including any 13
penalties and interest accruing thereon, shall attach on such day 14
to the property of the public utility in this state. 15

(B) Gross receipts of an electric company, rural electric 16
company, or energy company received after April 30, 2001, are not 17
subject to the annual excise tax imposed by this section. 18

(C) A natural gas company's gross receipts received after 19
April 30, 2000, are not subject to the annual excise tax imposed 20

by this section. 21

(D) A telephone company's gross receipts derived from amounts 22
 billed to customers after June 30, 2004, are not subject to the 23
 annual excise tax imposed by this section. Notwithstanding any 24
 other provision of law, gross receipts derived from amounts billed 25
 by a telephone company to customers prior to July 1, 2004, shall 26
 be included in the telephone company's annual statement filed on 27
 or before August 1, 2004, which shall be the last statement or 28
 report filed under section 5727.31 of the Revised Code by a 29
 telephone company. A telephone company shall not deduct from its 30
 gross receipts included in that last statement any receipts it was 31
 unable to collect from its customers for the period of July 1, 32
 2003, to June 30, 2004. 33

(E) A heating company's gross receipts, and the gross 34
receipts of a combined company from operating as a heating 35
company, are not subject to the annual excise tax imposed by this 36
section." 37

In line 107332, strike through "that a" and insert "in the 38
following circumstances:" 39

(a) A" 40

In line 107334, strike through "(a)" and insert "(i)" 41

In line 107338, strike through "(b)" and insert "(ii)" 42

In line 107340, strike through "(E)(2)(a)" and insert 43
 "(E)(2)(a)(i)" 44

In line 107343, strike through "(c)" and insert "(iii)" 45

After line 107350, insert: 46

"(b) A heating company that became exempt from the excise tax 47
imposed by section 5727.30 of the Revised Code on May 1, 2023, 48

shall not be an excluded person for tax periods beginning on or 49
after July 1, 2023." 50

In line 108895, after "5727.28," insert "5727.30," 51

After line 235887, insert: 52

"Section 757.__. (A) As used in this section, "heating 53
company" means a heating company or a combined company engaged in 54
the activity of a heating company, as the applicable company is 55
defined under divisions (D)(8) and (L) of section 5727.01 of the 56
Revised Code. 57

(B) A heating company shall comply with division (C) of this 58
section if the company is recovering in rates imposed on its 59
customers for heating service the tax imposed under section 60
5727.30 of the Revised Code. 61

(C) A heating company described in division (B) of this 62
section shall do one of the following, at the option of the 63
company, not later than six months after the beginning of tax year 64
2024, to pass on the net reduction in taxes from the elimination 65
in customer rates of the taxation amounts exempted by section 66
5727.30 of the Revised Code, as amended by this act, and the 67
imposition of the tax imposed under section 5751.02 of the Revised 68
Code: 69

(1) File an application not for an increase in rates in 70
accordance with Chapter 4909. of the Revised Code; 71

(2) File a modified schedule or enter into a modified 72
reasonable arrangement in accordance with section 4905.31 of the 73
Revised Code; 74

(3) Enter into a modified agreement with any customer who has 75
entered an agreement with the heating company under section 76

4905.34 of the Revised Code." 77

After line 236002, insert: 78

"Section 803.__. The amendment by this act of section 5727.30 79
of the Revised Code applies to tax year 2024 and every tax year 80
thereafter." 81

The motion was _____ agreed to.

SYNOPSIS

Heating company excise tax exemption 82

R.C. 5727.30 and 5751.01(E); Section 803.__ 83

Exempts heating companies from the public utility excise tax, 84
beginning with the 2024 tax year. Heating companies would instead 85
pay the commercial activity tax (CAT), beginning July 1, 2023. 86

Effect of exercise tax exemption on customer charges 87

Section 757.__ 88

Requires a heating company that is currently recovering 89
public utility excise tax amounts from customers in the company's 90
rates to pass on the net reduction in taxes to customer rates from 91
the bill's exemption of such companies from that tax and the 92
imposition of the CAT. 93

_____ moved to amend as follows:

1 After line 235546, insert:

2 **"Section 733.____.** (A) This section applies only to a state
3 institution of higher education located in a county with a
4 population between 165,000 and 175,000 as of the 2020 federal
5 decennial census.

6 (B) Notwithstanding section 123.17 of the Revised Code, a
7 developer desiring to lease land that is held in trust by the
8 board of trustees of a university described in division (A) of
9 this section, as an alternative to the process described in
10 section 123.17 of the Revised Code, may first prepare and submit
11 the plans for development to the board of trustees. The board of
12 trustees may then lease the land to the developer if the board
13 finds that the following conditions are satisfied:

14 (1) The best interests of the university will be promoted
15 by entering into a lease with the developer.

16 (2) The development plans are satisfactory.

17 (3) The developer has established the developer's financial
18 responsibility and satisfactory plans for financing the
19 development.

20 (4) The lease has commercially reasonable terms favorable
21 to the university.

22 (5) The land to be leased is not required for the use of
23 the university for the term of the lease.

24 If the board of trustees desires that the land be leased by
25 the department of administrative services under section 123.17
26 of the Revised Code, the board of trustees shall notify the
27 developer in writing and direct the developer to submit the
28 plans for development to the department of administrative
29 services."

30 The motion was _____ agreed to.

31 SYNOPSIS

32 **Wright State University Land Lease**

33 **Section 733.62**

34 Permits developers desiring to lease land from a state
35 college or university located in a county with a population
36 between 165,000 people and 175,000 people as of the 2020 federal
37 decennial census (which, in practice includes only Wright State
38 University) to first submit their plans for development to the
39 board of trustees (rather than the Department of Administrative
40 Services (DAS)), if the land to be leased is held in trust by
41 the board of trustees.

42 Permits the board of trustees to direct the developer to
43 submit the plans instead to DAS, if the board of trustees
44 desires that DAS lease the land to the developer under
45 continuing law.

SC2821X1

46 Provides that the board of trustees may lease land held in
47 trust by the board of trustees if the following continuing law
48 conditions are met:

49 - The best interests of the university will be promoted by
50 entering into a lease with the developer;

51 - The development plans are satisfactory;

52 - The developer has established the developer's financial
53 responsibility and satisfactory plans for financing the
54 development.

55 Adds the following conditions to the above continuing law
56 conditions:

57 - The lease has commercially reasonable terms favorable to
58 the university.

59 - The land to be leased is not required for the use of the
60 university for the term of the lease.

_____ moved to amend as follows:

1 In line 3862, delete "(B)" and insert "(c) If the auditor
2 of state determines that a report made under division (A)(1) of
3 this section involves probable fraud or theft, including misuse
4 and misappropriation of public money by any public office or
5 public official, the auditor of state shall promptly notify the
6 prosecuting attorney, director of law, village solicitor, or
7 similar chief legal officer of the municipal corporation in
8 whose jurisdiction the probable fraud or theft occurred, unless
9 the prosecuting attorney, director of law, village solicitor, or
10 similar chief legal officer of the municipal corporation is
11 identified in the report as the alleged perpetrator of the fraud
12 or theft.

13 (B)"

14 In line 3866, delete "administer" and insert "provide"

15 In line 3869, delete "in a manner"

16 In line 3870, delete "prescribed by the auditor of state"

17 In line 3876, after "state" insert "unless good cause
18 exists for noncompliance"

19 In line 12018, delete "immediately shall forward to" and
20 insert "may consult with"

21 In 12019, after "state" insert "regarding"

22 In line 12020, after the period insert "The office of
23 internal audit may share such written reports with the auditor
24 of state upon request. Reports shared under this division are
25 not a public record under section 149.43 of the Revised Code."

26 In line 61411, delete "immediately" and insert "timely"

27 In line 61422, after "(e)" insert "Divisions (A)(1)(a) to
28 (c) of this section do not apply to a prosecuting attorney,
29 director of law, village solicitor, or similar chief legal
30 officer of a municipal corporation, or to any employee of the
31 prosecuting attorney, director of law, village solicitor, or
32 similar chief legal officer of a municipal corporation.

33 (f)"

34 In line 61449, delete "(f)" and insert "(g)"

35 In line 61450, delete "(A)(1)(e)" and insert "(A)(1)(f)"

36 The motion was _____ agreed to.

37 SYNOPSIS

38 **Fraud reporting**

39 **R.C. 117.103 and 4113.52**

40 Exempts a current employee or elected official from being
41 required to complete the training on Ohio's fraud reporting
42 system within 90 days if there is good cause for noncompliance.

43 Changes the requirement for certain persons to immediately
44 report fraud, theft in office, or misuse or misappropriation of
45 public money to timely.

46 Requires the Auditor of State to promptly notify the
47 prosecuting attorney, director of law, village solicitor, or
48 similar chief legal officer of a municipal corporation if a
49 report involves probable theft or fraud, unless the attorney,
50 director, solicitor, or chief legal officer is the perpetrator.

51 Specifies that a prosecuting attorney, director of law,
52 village solicitor, or similar chief legal officer, or employees
53 of those, is not required, and does not have an express
54 statutory duty, to report a violation to the Auditor of State's
55 fraud-reporting system.

56 **Office of Internal Audit**

57 **R.C. 126.47**

58 Changes the requirement that the Office of Internal Audit
59 immediately forward to the Auditor of State any written reports
60 identifying violations of state or federal statutes, rules, or
61 regulations, or misuse of public resources the Office receives
62 from employees of the classified or unclassified civil service
63 to permit the Office to consult with the Auditor of State
64 regarding any reports it receives.

65 Permits the Office to share the written reports with the
66 Auditor of State upon request and that those reports are not a
67 public record under Ohio's Public Records Law.

_____ moved to amend as follows:

- 1 In line 8672, after "(2)" delete the balance of the line
- 2 Delete lines 8673 through 8677
- 3 In line 8678, delete "(3)"
- 4 In line 8760, after "(2)" delete the balance of the line
- 5 Delete lines 8761 through 8765
- 6 In line 8766, delete "(3)"
- 7 Delete lines 8914 through 8919
- 8 Delete lines 84435 through 84438

9 The motion was _____ agreed to.

10 SYNOPSIS

11 **Regulatory restriction reductions - remove exemptions**

12 **R.C. 122.631, 122.632, 122.633, and 5103.021**

13 Removes proposed exemptions in the Senate substitute bill
14 for regulatory restrictions contained in the following types of
15 administrative rules from continuing law requirements to reduce
16 and limit the number of regulatory restrictions adopted by
17 cabinet-level and certain other state agencies:

- 18 ■ Rules implementing the Welcome Home Ohio (WHO) program
19 administered by the Director of Development;

SC2835

- 20 ▪ Rules implementing tax credits related to the sale of
21 certain kinds of residential property;

- 22 ▪ Rules implementing standards for scholar residential
23 centers administered by the Director of Job and Family
24 Services.

_____ moved to amend as follows:

1 In line 48980, delete ", as documented"

2 In line 48981, delete "by the attorney general"

3 The motion was _____ agreed to.

4 SYNOPSIS

5 **College transcript withholding**

6 **R.C. 3345.027**

7 Removes the bill's requirement that a board of trustees of
8 a state institution of higher education, when reviewing its
9 practices regarding transcript withholding, rely on
10 documentation from the Attorney General only when considering
11 and evaluating the collection rate on overdue balances resulting
12 from transcript withholding.

_____ moved to amend as follows:

1 In line 229545, delete "\$9,050,000 \$10,550,000" and insert
2 "\$9,816,000 \$11,437,000"

3 In line 229547, add \$766,000 to fiscal year 2024 and
4 \$887,000 to fiscal year 2025

5 In line 229562, add \$766,000 to fiscal year 2024 and
6 \$887,000 to fiscal year 2025

7 The motion was _____ agreed to.

8 SYNOPSIS

9 **Public Defender Commission**

10 **Section 371.10**

11 Increases GRF ALI 019401, State Legal Defense Services, by
12 \$766,000 in fiscal year 2024 and \$887,000 in fiscal year 2025.

_____ moved to amend as follows:

1 In line 216 of the title, after "3302.0310," insert
2 "3302.111,"

3 In line 784, after "3302.0310," insert "3302.111,"

4 After line 37817, insert:

5 "Sec. 3302.111. (A) This section applies to a school
6 district that meets both of the following conditions:

7 (1) An academic distress commission was established for the
8 district in 2013 by the superintendent of public instruction
9 under former section 3302.10 of the Revised Code, as it existed
10 prior to October 15, 2015;

11 (2) A new academic distress commission was established for
12 the district by the state superintendent under division (A) (2)
13 of section 3302.10 of the Revised Code.

14 (B) Notwithstanding anything to the contrary in the Revised
15 Code, any academic distress commission established under section
16 3302.10 of the Revised Code and academic improvement plan
17 established under section 3302.103 of the Revised Code for a
18 school district to which this section applies shall be dissolved
19 immediately on the effective date of this section, and the chief

20 executive officer shall relinquish management and control of the
21 school district to the district board of education and the
22 district superintendent."

23 The motion was _____ agreed to.

24 SYNOPSIS

25 **Academic distress commissions-Lorain City Schools**

26 **R.C. 3302.111**

27 Dissolves the Lorain City Schools academic distress
28 commission (ADC) and academic improvement plan.

29 Upon dissolution of the ADC, requires the chief executive
30 officer to relinquish management and control of the school
31 district to the district board of education and the district
32 superintendent.

_____ moved to amend as follows:

1 After line 228406, insert:

2 **"Section 333.____.** MYCARE OHIO EXPANSION

3 (A) Not later than July 1, 2024, the Medicaid Director
4 shall seek approval from the United States Centers for Medicare
5 and Medicaid Services to expand the Integrated Care Delivery
6 System, as that phrase is defined in section 5164.01 of the
7 Revised Code, or if the Director terminates the Integrated Care
8 Delivery System, the successor program developed by the Director
9 and approved by the United States Centers for Medicare and
10 Medicaid Services, to all counties of this state.

11 (B) The managed care entities selected for the expanded
12 Integrated Care Delivery System shall be selected by the
13 Department from among the Medicaid managed care organizations,
14 as that term is defined in section 5167.01 of the Revised Code,
15 on the effective date of this section.

16 (C) The Department shall establish requirements for care
17 management and coordination of waiver services in the expanded
18 Integrated Care Delivery System, subject to all of the
19 following:

20 (1) The entities selected pursuant to division (B) of this
21 section shall employ the applicable area agency on aging to be

22 coordinators of home and community-based services available
23 under a Medicaid waiver component available for eligible
24 individuals over the age of fifty-nine;

25 (2) The entities may delegate to the applicable area agency
26 on aging full care coordination function for home and community-
27 based services and other health care services received by those
28 eligible individuals;

29 (3) Individuals enrolled in an entity's plan or plans may
30 choose the entity or its designee as the care coordinator as an
31 alternative to the area agency on aging;

32 (4) The Department may specify an alternative approach to
33 care management and coordination of waiver services if the
34 performance of the area agency on aging does not meet the
35 requirements of the Integrated Care Delivery System or if the
36 Department determines that the needs of a defined group of
37 individuals requires an alternative approach."

38 The motion was _____ agreed to.

39 SYNOPSIS

40 **MyCare Ohio Expansion**

41 **Section 333. __**

42 Requires the Medicaid Director to seek CMS approval, by
43 July 1, 2024, to expand the Integrated Care Delivery System
44 (known as "MyCare Ohio"), or its successor program, to all Ohio
45 counties.

SC2849X1

46 Requires ODM to select as the managed care entities for the
47 expanded program an entity or entities from among the existing
48 Medicaid MCOs.

49 Requires ODM to establish requirements for care management
50 and coordination of waiver services, subject to certain
51 requirements, such as employing area agencies on aging to be the
52 coordinators of those services, unless requested by the waiver
53 participant or ODM determines that the performance of the area
54 agency on aging does not meet program requirements.

Sub. H.B. 33
L-135-0001-5
MEDCD1

_____ moved to amend as follows:

In line 227 of the title, after "4517.35," insert "4731.37," 1

In line 792, after "4517.35," insert "4731.37," 2

After line 74018, insert: 3

"Sec. 4731.37. (A) As used in this section: 4

(1) "Physician" means an individual authorized under this chapter to practice medicine and surgery or osteopathic medicine and surgery. 5
6
7

(2) "Sonographer" means an individual who uses ultrasonic imaging devices to produce diagnostic images, scans, or videos or three-dimensional volumes of anatomical and diagnostic data. 8
9
10

(B) A physician may delegate to a sonographer the authority to administer intravenously an ultrasound enhancing agent if all of the following conditions are met: 11
12
13

(1) The physician's normal course of practice and expertise includes the intravenous administration of ultrasound enhancing agents. 14
15
16

(2) The facility where the physician practices has developed, in accordance with clinical standards and industry guidelines, 17
18

standards for administering ultrasound enhancing agents 19
intravenously and has included the facility's standards in a 20
written practice protocol. 21

(3) The sonographer, as determined by the facility where the 22
physician practices, satisfies all of the following: 23

(a) Has successfully completed an education and training 24
program in sonography; 25

(b) Is certified or registered as a sonographer by another 26
jurisdiction or a nationally recognized accrediting organization; 27

(c) Has successfully completed training in the intravenous 28
administration of ultrasound enhancing agents that was provided in 29
any of the following ways: 30

(i) As part of an education and training program in 31
sonography; 32

(ii) As part of training provided to the sonographer by the 33
physician who delegates to the sonographer the authority to 34
administer intravenously an ultrasound enhancing agent; 35

(iii) As part of a training program developed and offered by 36
the facility in which the physician practices. 37

(C) A sonographer may administer intravenously an ultrasound 38
enhancing agent if all of the following conditions are met: 39

(1) In accordance with division (B) of this section, a 40
physician delegates to the sonographer the authority to administer 41
the agent. 42

(2) The sonographer administers the agent in accordance with 43
the written practice protocol described in division (B) of this 44
section. 45

(3) The delegating physician is physically present at the 46

- facility where the sonographer administers the agent. 47
- Division (C)(3) of this section does not require the 48
delegating physician to be in the same room as the sonographer 49
when the sonographer administers the agent. 50
- (D) This section does not prohibit any of the following from 51
administering intravenously an ultrasound enhancing agent: 52
- (1) An individual who is otherwise authorized by the Revised 53
Code to administer intravenously an ultrasound enhancing agent, 54
including a physician assistant licensed under Chapter 4730. of 55
the Revised Code or a registered nurse or licensed practical nurse 56
licensed under Chapter 4723. of the Revised Code; 57
- (2) An individual who meets all of the following conditions: 58
- (a) Has successfully completed an education and training 59
program in sonography; 60
- (b) Has applied for certification or registration as a 61
sonographer with another jurisdiction or a nationally recognized 62
accrediting organization; 63
- (c) Is awaiting that certification's or registration's 64
issuance; 65
- (d) Administers intravenously an ultrasound enhancing agent 66
under the general supervision of a physician and the direct 67
supervision of either a sonographer described in divisions (B) and 68
(C) of this section or an individual otherwise authorized to 69
administer intravenously ultrasound enhancing agents. 70
- (3) An individual who is enrolled in an education and 71
training program in sonography and, as part of the program, 72
administers intravenously ultrasound enhancing agents. 73
- (E) For purposes of this section, the authority to administer 74

an ultrasound enhancing agent intravenously also includes the 75
authority to insert, maintain, and remove any mechanism necessary 76
for the agent's administration." 77

The motion was _____ agreed to.

SYNOPSIS

Intravenous administration of ultrasound enhancing agents - 78
physician delegation to sonographers 79

R.C. 4731.37 80

Restores House-passed provisions that do the following: 81

(1) Authorize a sonographer to administer intravenously 82
ultrasound enhancing agents if the following conditions are met: 83

(a) A physician delegates that authority to the sonographer; 84

(b) The sonographer administers the agent in accordance with 85
a written practice protocol developed by the facility where the 86
physician practices; 87

(c) The delegating physician is physically present at the 88
facility where the sonographer administers the agent; 89

(d) The sonographer has successfully completed an education 90
and training program in sonography, is certified by a nationally 91
recognized accrediting organization, and has successfully 92
completed training in the intravenous administration of ultrasound 93
enhancing agents. 94

(2) Specify that the delegated authority to administer an 95
ultrasound enhancing agent intravenously also includes the 96
authority to insert, maintain, and remove an intravenous 97

mechanism.

Sub. H.B. 33
L-135-0001-5
BORCD110

_____ moved to amend as follows:

- In line 84 of the title, delete "3345.07," 1
- In line 85 of the title, after "3345.38," insert "3345.47,"; 2
delete "3345.55," 3
- In line 245 of the title, delete "3345.47," 4
- In line 688, delete "3345.07,"; after "3345.38," insert 5
"3345.47," 6
- In line 689, delete "3345.55," 7
- Delete lines 49073 through 49090 8
- After line 49328, insert: 9
- "**Sec. 3345.47.** (A) No state university shall require a 10
student to live in on-campus student housing, ~~if the student lives~~ 11
~~within twenty five miles of the campus~~ unless the student is a 12
first-year student. A state university may require only first-year 13
students who live more than twenty-five miles away from the campus 14
to live in on-campus student housing. 15
- (B) As used in this section: 16
- (1) "On-campus student housing" has the same meaning as in 17
section 3345.85 of the Revised Code. 18

(2) "State university" has the same meaning as in section 19
 3345.011 of the Revised Code." 20

Delete lines 49438 through 49465 21

In line 108826, delete "3345.07," 22

In line 108827, after "3345.38," insert "3345.47, "; delete 23
 "3345.55," 24

In line 108915, delete "3345.47," 25

The motion was _____ agreed to.

SYNOPSIS

Mandatory on-campus housing 26

R.C. 3345.47; conforming changes in R.C. 3345.07 (remove) and 27
3345.55 (remove) 28

Reinstates the prohibition on state universities requiring a 29
 student who lives within 25 miles of the campus to live in 30
 on-campus student housing, as repealed in the bill, but makes the 31
 following changes: 32

- Prohibits state universities from requiring students to 33
 live in on-campus housing, except for first-year students. 34
- Permits state universities to require only first-year 35
 students who live more than 25 miles away from campus to live in 36
 on-campus housing. 37

_____ moved to amend as follows:

1 In line 29009, delete "tan" and insert "green or white"

2 Delete lines 29019 and 29020

3 In line 29021, delete everything before "installation" and
4 insert "all of the following apply to the electric service:

5 (a) The electric service is installed by a licensed
6 contractor.

7 (b) The electrical service to the dock is placed in
8 conduit.

9 (c) A disconnect box is installed at the dock.

10 (d) A disconnect box is installed at the property meter at
11 the origin of service.

12 Upon

13 In line 29026, after the underlined period insert "Only one
14 electric service shall be installed per dock location."

15 In line 29067, delete "a" and insert "an annual"

16 In line 29083, after "(F)" insert "(1)"

17 After line 29096, insert:

18 "(2) An undergrowth and invasive species removal permit
19 shall not allow for the removal of any live tree. If a permittee

20 removes a live tree, the permittee shall be fined up to five
21 hundred dollars per tree, and the chief shall revoke any
22 undergrowth and invasive species removal permit issued to such
23 permittee."

24 In line 29097, before "The" insert "(3)"

25 In line 29099, before "After" insert "(4)"

26 The motion was _____ agreed to.

27 SYNOPSIS

28 **Rocky Fork State Park permits**

29 **R.C. 1546.32**

30 Modifies provisions added by the Senate regarding Rocky
31 Fork State Park dock, mowing, and undergrowth and invasive
32 species removal permits as follows:

33 1. Requires a dock covering to be green or white instead of
34 tan;

35 2. Requires electrical service to the dock to be placed in
36 conduit;

37 3. Requires an electrical disconnect box to be installed at
38 the property meter at the origin of service;

39 4. Prohibits more than one electric service from being
40 installed per dock location;

41 5. Clarifies that a mowing permit is an annual permit and
42 the \$25 fee must be paid every year; and

43 6. Prohibits an undergrowth and invasive species removal
44 permit from allowing the removal of any live tree, the penalty
45 for which is a fine of \$500/tree and the revocation of the
46 permit.

_____ moved to amend as follows:

1 In line 226527, delete "\$710,000 \$565,000" and insert
2 "\$985,000 \$840,000"

3 In line 226537, add \$275,000 to each fiscal year

4 In line 226542, add \$275,000 to each fiscal year

5 In line 226568, delete "Veshem" and insert "Vashem"

6 After line 226575, insert:

7 "Of the foregoing appropriation item 360400, Holocaust and
8 Genocide Memorial and Education Commission, \$50,000 in each
9 fiscal year shall be used for students, teachers, and community
10 and university student leaders to attend educational programming
11 that visits Holocaust sites. Funding may also be used by the
12 Commission to host such programs in Europe, or at institutions
13 approved by the Commission."

14 In line 226584, delete "\$100,000" and insert "\$175,000"

15 In line 226588, after the period insert "Funding shall not
16 be used for trips to the Ohio Statehouse, including visits to
17 the Ohio Holocaust and Liberators Memorial."

18 After line 226588, insert:

19 "Of the foregoing appropriation item 360400, Holocaust and
20 Genocide Memorial and Education Commission, \$150,000 in each
21 fiscal year shall be used to support the development of teacher
22 training courses at colleges and universities related to
23 instruction on the Holocaust as well as other approved
24 programming by the Commission."

25 The motion was _____ agreed to.

26 SYNOPSIS

27 **Ohio History Connection**

28 **Section 297.10**

29 Increases GRF ALI 360400, Holocaust and Genocide Memorial
30 and Education Commission, by \$275,000 in each fiscal year.

31 Adjusts or creates the following earmarks as stated:

32 1. Creates the earmark of \$50,000 in each fiscal year for
33 students, teachers, and community and university student leaders
34 to attend educational programming that visits Holocaust sites.
35 Funding may also be used by the Commission to host such programs
36 in Europe, or at institutions approved by the Commission (As
37 Passed by the House version).

38 2. Increases the earmark for Ohio K-12 students, or other
39 individuals approved by the Commission to visit one of Ohio's
40 Holocaust education and memorial museums by \$75,000 in each
41 fiscal year, from \$100,000 to \$175,000. Funding may not be used
42 for trips to the Ohio Statehouse, including visits to the Ohio
43 Holocaust and Liberators Memorial.

44 3. Creates an earmark of \$150,000 in each fiscal year to
45 support the development of teacher training courses at colleges
46 and universities related to instruction on the Holocaust as well
47 as other approved programming by the Commission.

48 Makes a technical correction of the spelling of Vashem.

_____ moved to amend as follows:

1 In line 235704, after "Association" insert ";

2 (11) A representative from the Ohio Provider Resource
3 Association"

4 The motion was _____ agreed to.

5 SYNOPSIS

6 **HCBS Direct Care Worker Wages Task Force**

7 **Section 751.21**

8 Adds to the HCBS Direct Care Worker Wages Task Force,
9 created in the Senate substitute version of the bill, one
10 representative from the Ohio Provider Resource Association.

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

- In line 131 of the title, after "4730.26," insert "4730.411," 1
- In line 271 of the title, delete "and"; after "4723.481" 2
insert ", and 4730.411" 3
- In line 722, after "4730.26," insert "4730.411," 4
- After line 73220, insert: 5
- "Sec. 4730.411.** (A) Except as provided in division (B) or (C) 6
of this section, a physician assistant may prescribe to a patient 7
a schedule II controlled substance only if all of the following 8
are the case: 9
- (1) The patient is in a terminal condition, as defined in 10
section 2133.01 of the Revised Code. 11
- (2) The physician assistant's supervising physician initially 12
prescribed the substance for the patient. 13
- (3) The prescription is for an amount that does not exceed 14
the amount necessary for the patient's use in a single, 15
twenty-four-hour period. 16
- (B) The restrictions on prescriptive authority in division 17
(A) of this section do not apply if a physician assistant issues 18
the prescription to the patient from any of the following 19

locations:	20
(1) A hospital registered under section 3701.07 of the Revised Code;	21 22
(2) An entity owned or controlled, in whole or in part, by a hospital or by an entity that owns or controls, in whole or in part, one or more hospitals;	23 24 25
(3) A health care facility operated by the department of mental health and addiction services or the department of developmental disabilities;	26 27 28
(4) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code;	29 30 31
(5) A county home or district home operated under Chapter 5155. of the Revised Code that is certified under the medicare or medicaid program;	32 33 34
(6) A hospice care program, as defined in section 3712.01 of the Revised Code;	35 36
(7) A community mental health services provider, as defined in section 5122.01 of the Revised Code;	37 38
(8) An ambulatory surgical facility, as defined in section 3702.30 of the Revised Code;	39 40
(9) A freestanding birthing center, as defined in section 3702.141 of the Revised Code;	41 42
(10) A federally qualified health center, as defined in section 3701.047 of the Revised Code;	43 44
(11) A federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	45 46

(12) A health care office or facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;

(13) A site where a medical practice is operated, but only if the practice is comprised of one or more physicians who also are owners of the practice; the practice is organized to provide direct patient care; and the physician assistant has entered into a supervisory agreement with at least one of the physician owners who practices primarily at that site;

(14) A site where a behavioral health practice is operated that does not qualify as a location otherwise described in division (B) of this section, but only if the practice is organized to provide outpatient services for the treatment of mental health conditions, substance use disorders, or both, and the physician assistant providing services at the site of the practice has entered into a supervisory agreement with at least one physician who is employed by that practice.

(C) A physician assistant shall not issue to a patient a prescription for a schedule II controlled substance from a convenience care clinic even if the convenience care clinic is owned or operated by an entity specified in division (B) of this section.

(D) A pharmacist who acts in good faith reliance on a prescription issued by a physician assistant under division (B) of this section is not liable for or subject to any of the following for relying on the prescription: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action by the state board of pharmacy under Chapter 4729. of the Revised Code."

In line 108860, after "4730.26," insert "4730.411,"	77
In line 109141, delete "and"; after "4723.481" insert ", and 4730.411"	78 79
After line 109686, insert:	80
" Sec. 4730.411. (A) Except as provided in division (B) or (C) of this section, a physician assistant may prescribe to a patient a schedule II controlled substance only if all of the following are the case:	81 82 83 84
(1) The patient is in a terminal condition, as defined in section 2133.01 of the Revised Code.	85 86
(2) The physician assistant's supervising physician initially prescribed the substance for the patient.	87 88
(3) The prescription is for an amount that does not exceed the amount necessary for the patient's use in a single, twenty-four-hour period.	89 90 91
(B) The restrictions on prescriptive authority in division (A) of this section do not apply if a physician assistant issues the prescription to the patient from any of the following locations:	92 93 94 95
(1) A hospital as defined in section 3722.01 of the Revised Code;	96 97
(2) An entity owned or controlled, in whole or in part, by a hospital or by an entity that owns or controls, in whole or in part, one or more hospitals;	98 99 100
(3) A health care facility operated by the department of mental health and addiction services or the department of developmental disabilities;	101 102 103

(4) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code;	104 105 106
(5) A county home or district home operated under Chapter 5155. of the Revised Code that is certified under the medicare or medicaid program;	107 108 109
(6) A hospice care program, as defined in section 3712.01 of the Revised Code;	110 111
(7) A community mental health services provider, as defined in section 5122.01 of the Revised Code;	112 113
(8) An ambulatory surgical facility, as defined in section 3702.30 of the Revised Code;	114 115
(9) A freestanding birthing center, as defined in section 3701.503 of the Revised Code;	116 117
(10) A federally qualified health center, as defined in section 3701.047 of the Revised Code;	118 119
(11) A federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	120 121
(12) A health care office or facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;	122 123 124 125
(13) A site where a medical practice is operated, but only if the practice is comprised of one or more physicians who also are owners of the practice; the practice is organized to provide direct patient care; and the physician assistant has entered into a supervisory agreement with at least one of the physician owners who practices primarily at that site;	126 127 128 129 130 131

(14) A site where a behavioral health practice is operated 132
that does not qualify as a location otherwise described in 133
division (B) of this section, but only if the practice is 134
organized to provide outpatient services for the treatment of 135
mental health conditions, substance use disorders, or both, and 136
the physician assistant providing services at the site of the 137
practice has entered into a supervisory agreement with at least 138
one physician who is employed by that practice. 139

(C) A physician assistant shall not issue to a patient a 140
prescription for a schedule II controlled substance from a 141
convenience care clinic even if the convenience care clinic is 142
owned or operated by an entity specified in division (B) of this 143
section. 144

(D) A pharmacist who acts in good faith reliance on a 145
prescription issued by a physician assistant under division (B) of 146
this section is not liable for or subject to any of the following 147
for relying on the prescription: damages in any civil action, 148
prosecution in any criminal proceeding, or professional 149
disciplinary action by the state board of pharmacy under Chapter 150
4729. of the Revised Code." 151

In line 109688, delete "and"; after "4723.481" insert ", and 152
4730.411" 153

The motion was _____ agreed to.

SYNOPSIS

Prescribing for outpatient behavioral health - physician 154
assistants 155

R.C. 4730.411; Sections 110.10, 110.11, and 110.12 156

Authorizes a physician assistant to prescribe schedule II 157
controlled substances if the prescription is issued at the site of 158
a behavioral health practice that does not otherwise qualify under 159
current law as a site where physician assistants may prescribe 160
those drugs, but only if (1) the behavioral health practice is 161
organized to provide outpatient services for treating mental 162
health conditions, substance use disorders, or both, and (2) the 163
physician assistant has entered into a supervisory agreement with 164
a physician who is employed by the same practice. 165

_____ moved to amend as follows:

1 In line 12034, after "including" insert "gas, sewer, and
2 water infrastructure projects and other"

3 After line 12088, insert:

4 "(F) No entity that receives financial assistance from the
5 all Ohio future fund under this section shall:

6 (1) Issue riders or any other additional charges to its
7 customers for the purposes of a project that is funded by such
8 assistance;

9 (2) If the entity is a water company, use the financial
10 assistance for a new or expanded water treatment facility or
11 waste water treatment facility."

12 In line 83108, delete "Net infrastructure" and insert
13 "Infrastructure"

14 In line 83109, delete "remaining"

15 In line 83114, delete ", after netting the amount of any
16 funds received by the"

17 Delete line 83115

18 In line 83116, delete "section 126.62 of the Revised Code"

19 In line 83137, delete "net"

SC2893X2

20 In line 83146, delete "and the"

21 Delete line 83147

22 In line 83148, delete "section"

23 In line 83152, after "(B)" insert "The commission, for an
24 application's economic development project, may approve the
25 collection of the infrastructure development costs using funds
26 from either, but not both, of the following:

27 (1) A disbursement from the all Ohio future fund under
28 section 126.62 of the Revised Code;

29 (2) A rider or rate mechanism under section 4909.18 or
30 4928.143 of the Revised Code.

31 (C)"

32 In line 83219, after the underlined comma insert "except as
33 provided under division (E)(1) of this section,"

34 After line 83256, insert:

35 "(E)(1) No natural gas company shall recover infrastructure
36 development costs for a particular site or project pursuant to
37 an infrastructure development rider under division (A)(2) of
38 this section if both of the following are satisfied:

39 (a) The site or project is approved for funding from the
40 all Ohio future fund under section 126.62 of the Revised Code;

41 (b) The company chooses to accept funding for the site or
42 project from the all Ohio future fund under section 126.62 of
43 the Revised Code.

71 distribution utility (EDU)) and removes the provision that the
72 costs are determined after netting the amount of any funds
73 received from the All Ohio Future Fund.

74 For an EDU's application for an economic development
75 project, specifies that the Public Utilities Commission may
76 approve funding for infrastructure development costs using
77 either (1) a disbursement from the All Ohio Future Fund or (2) a
78 rider or rate mechanism under the Ohio public utility ratemaking
79 law or the competitive retail electric service law.

80 Changes the requirement that an EDU's application include a
81 summary of the infrastructure development costs (instead of *net*
82 infrastructure development costs) to be expended on the economic
83 development project.

84 **Natural gas infrastructure development rider**

85 **R.C. 4929.162**

86 Prohibits a natural gas company from recovering
87 infrastructure development costs of a particular site or project
88 meeting certain requirements for an investment for any utility
89 facility designed to provide natural gas service to the site or
90 project using an infrastructure development rider (IDR) if both
91 (1) the site or project is approved for funding from the All
92 Ohio Future Fund, and (2) the company accepts such funding for
93 the site or project.

94 Permits a natural gas company that is prohibited from
95 recovering certain infrastructure development costs under an IDR
96 for a particular site or project, as described above, to recover
97 such costs for other sites or projects that are not also
98 prohibited.

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 38 of the title, after "341.25," insert "349.01, 1
349.03, 349.04, 349.14," 2

In line 653, after "341.25," insert "349.01, 349.03, 349.04, 3
349.14," 4

After line 22003, insert: 5

"**Sec. 349.01.** As used in this chapter: 6

(A) "New community" means a community or development of 7
property in relation to an existing community planned so that the 8
resulting community includes facilities for the conduct of 9
industrial, commercial, residential, cultural, educational, and 10
recreational activities, and designed in accordance with planning 11
concepts for the placement of utility, open space, and other 12
supportive facilities. 13

(B) "New community development program" means a program for 14
the development of a new community characterized by well-balanced 15
and diversified land use patterns and which includes land 16
acquisition and land development, the acquisition, construction, 17
operation, and maintenance of community facilities, and the 18
provision of services authorized in this chapter. 19

A new community development program may take into account any 20

existing community in relation to which a new community is
developed for purposes of being characterized by well-balanced and
diversified land use patterns.

21
22
23

(C) "New community district" means the area of land described
by the developer in the petition as set forth in division (A) of
section 349.03 of the Revised Code for development as a new
community and any lands added to the district by amendment of the
resolution establishing the community authority.

24
25
26
27
28

(D) "New community authority" means a body corporate and
politic in this state, established pursuant to section 349.03 of
the Revised Code and governed by a board of trustees as provided
in section 349.04 of the Revised Code.

29
30
31
32

(E) "Developer" means any person, organized for carrying out
a new community development program who owns or controls, through
leases of at least seventy-five years' duration, options, or
contracts to purchase, the land within a new community district,
or any municipal corporation, township, county, or port authority
that owns the land within a new community district, or has the
ability to acquire such land, either by voluntary acquisition or
condemnation in order to eliminate slum, blighted, and
deteriorated or deteriorating areas and to prevent the recurrence
thereof. "Developer" may also mean a person, municipal
corporation, township, county, or port authority that controls
land within a new community district through leases of at least
seventy-five years' duration. "Developer" includes a lessor that
continues to own and control land for purposes of this chapter
pursuant to leases with a ninety-nine-year renewable term, so long
as all of the following apply:

33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

(1) The developer's new community district consists of at
least five leases described in this section.

49
50

(2) The leases are subject to forfeiture for all of the following: 51 52

(a) Failing to pay taxes and assessments; 53

(b) Failing to pay an annual fee of up to one per cent of rent for sanitary purposes and improvements made to streets; 54 55

(c) Failing to keep the premises as required by sanitary and police regulations of the developer. 56 57

(3) The new community authority is established on or before December 31, 2024. 58 59

(F) "Organizational board of commissioners" means any of the following: 60 61

(1) For a new community district that is located in only one county, the board of county commissioners of that county; 62 63

(2) For a new community district that is located in more than one county, a board consisting of the members of the board of county commissioners of each of the counties in which the district is located, provided that action of the board shall require a majority vote of the members of each separate board of county commissioners; ~~or~~ 64 65 66 67 68 69

(3) For a new community district that is located entirely within the boundaries of a municipal corporation or for a new community district where more than half of the new community district is located within the boundaries of the most populous municipal corporation of a county, the legislative authority of the municipal corporation; 70 71 72 73 74 75

(4) For a new community district that is comprised entirely of unincorporated territory within the boundaries of a township with a population of at least five thousand, and located in a 76 77 78

county with a population of at least two hundred thousand and not 79
more than four hundred thousand, the board of township trustees of 80
the township. 81

(G) "Land acquisition" means the acquisition of real property 82
 and interests in real property as part of a new community 83
 development program. 84

(H) "Land development" means the process of clearing and 85
 grading land, making, installing, or constructing water 86
 distribution systems, sewers, sewage collection systems, steam, 87
 gas, and electric lines, roads, streets, curbs, gutters, 88
 sidewalks, storm drainage facilities, and other installations or 89
 work, whether within or without the new community district, and 90
 the construction of community facilities. 91

(I) "Community facilities" means all real property, 92
 buildings, structures, or other facilities, including related 93
 fixtures, equipment, and furnishings, to be owned, operated, 94
 financed, constructed, and maintained under this chapter or in 95
 furtherance of community activities, whether within or without the 96
 new community district, including public, community, village, 97
 neighborhood, or town buildings, centers and plazas, auditoriums, 98
 day care centers, recreation halls, educational facilities, health 99
 care facilities including hospital facilities as defined in 100
 section 140.01 of the Revised Code, telecommunications facilities, 101
 including all facilities necessary to provide telecommunications 102
 service as defined in section 4927.01 of the Revised Code, 103
 recreational facilities, natural resource facilities, including 104
 parks and other open space land, lakes and streams, cultural 105
 facilities, community streets and off-street parking facilities, 106
 pathway and bikeway systems, pedestrian underpasses and 107
 overpasses, lighting facilities, design amenities, or other 108

community facilities, and buildings needed in connection with 109
 water supply or sewage disposal installations, or energy 110
 facilities including those for renewable or sustainable energy 111
 sources, and steam, gas, or electric lines or installation. 112

(J) "Cost" as applied to a new community development program 113
 means all costs related to land acquisition and land development, 114
 the acquisition, construction, maintenance, and operation of 115
 community facilities and offices of the community authority, and 116
 of providing furnishings and equipment therefor, financing charges 117
 including interest prior to and during construction and for the 118
 duration of the new community development program, planning 119
 expenses, engineering expenses, administrative expenses including 120
 working capital, and all other expenses necessary and incident to 121
 the carrying forward of the new community development program. 122

(K) "Income source" means any and all sources of income to 123
 the community authority, including community development charges 124
 of which the new community authority is the beneficiary as 125
 provided in section 349.07 of the Revised Code, rentals, user fees 126
 and other charges received by the new community authority, any 127
 gift or grant received, any moneys received from any funds 128
 invested by or on behalf of the new community authority, and 129
 proceeds from the sale or lease of land and community facilities. 130

(L) "Community development charge" means: 131

(1) A dollar amount which shall be determined on the basis of 132
 the assessed valuation of real property or interests in real 133
 property in a new community district, the income of the residents 134
 of such property subject to such charge under section 349.07 of 135
 the Revised Code, if such property is devoted to residential uses 136
 or to the profits, gross receipts, or other revenues of any 137
 business including, but not limited to, rentals received from 138

leases of real property located in the district, a uniform or 139
 other fee on each parcel of such real property in a new community 140
 district, or any combination of the foregoing bases. 141

(2) If a new community authority imposes a community 142
 development charge determined on the basis of rentals received 143
 from leases of real property, improvements of any real property 144
 located in the new community district and subject to that charge 145
 may not be exempted from taxation under section 5709.40, 5709.41, 146
5709.45, 5709.48, 5709.73, or 5709.78 of the Revised Code. 147

(M) "Proximate ~~city~~ community" means the following: 148

(1) For a new community district other than a new community 149
 district described in division (M)(2) ~~or~~, (3), or (4) of this 150
 section, any city that, as of the date of filing of the petition 151
 under section 349.03 of the Revised Code, is the city with the 152
 greatest population located in the county in which the proposed 153
 new community district is located, is the city with the greatest 154
 population located in an adjoining county if any portion of such 155
 city is within five miles of any part of the boundaries of such 156
 district, or exercises extraterritorial subdivision authority 157
 under section 711.09 of the Revised Code with respect to any part 158
 of such district. 159

(2) A municipal corporation in which, at the time of filing 160
 the petition under section 349.03 of the Revised Code, any portion 161
 of the proposed new community district is located. 162

(3) For a new community district other than a new community 163
 district described in division (M)(2) or (4) of this section, if 164
 at the time of filing the petition under section 349.03 of the 165
 Revised Code, more than one-half of the proposed district is 166
 contained within a joint economic development district created 167
 under sections 715.70 to 715.83 of the Revised Code, the township 168

containing the greatest portion of the territory of the joint 169
economic development district. 170

(4) For a new community district other than a new community 171
district described in division (M)(2) or (3) of this section, if 172
at the time of filing the petition under section 343.03 of the 173
Revised Code the proposed new community district is comprised 174
entirely of unincorporated territory within the boundaries of a 175
township with a population of five thousand, and located in a 176
county with a population of at least two hundred thousand and not 177
more than four hundred thousand, the township in which the 178
proposed new community district is located. 179

(N) "Community activities" means cultural, educational, 180
governmental, recreational, residential, industrial, commercial, 181
distribution and research activities, or any combination thereof 182
~~that includes residential activities.~~ 183

Sec. 349.03. (A) Proceedings for the organization of a new community authority shall be initiated by a petition filed by the developer in the office of the clerk of ~~the~~ an organizational board of commissioners determined based on where the territory of the proposed new community district is located. Such petition shall be signed by the developer and may be signed by each proximate ~~city~~ community. The legislative authorities of each such proximate ~~city~~ community shall act in behalf of such ~~city~~ community. Such petition shall contain:

(1) The name of the proposed new community authority;

(2) The address where the principal office of the authority will be located or the manner in which the location will be selected;

(3) A map and a full and accurate description of the boundaries of the new community district together with a description of the properties within such boundaries, if any, which will not be included in the new community district.

(4) A statement setting forth the zoning regulations proposed for zoning the area within the boundaries of the new community district for comprehensive development as a new community, and if the area has been zoned for such development, a certified copy of the applicable zoning regulations therefor;

(5) A current plan indicating the proposed development program for the new community district, the land acquisition and land development activities, community facilities, services proposed to be undertaken by the new community authority under such program, the proposed method of financing such activities and services, including a description of the bases, timing, and manner of collecting any proposed community development charges, and the

projected total residential population of, and employment within, 213
the new community; 214

(6) A suggested number of members, consistent with section 215
349.04 of the Revised Code, for the board of trustees; 216

(7) A preliminary economic feasibility analysis, including 217
the area development pattern and demand, location and proposed new 218
community district size, present and future socio-economic 219
conditions, public services provision, financial plan, and the 220
developer's management capability; 221

(8) A statement that the development will comply with all 222
applicable environmental laws and regulations. 223

Upon the filing of such petition, the organizational board of 224
commissioners shall determine whether such petition complies with 225
the requirements of this section as to form and substance. The 226
board in subsequent proceedings may at any time permit the 227
petition to be amended in form and substance to conform to the 228
facts by correcting any errors in the description of the proposed 229
new community district or in any other particular. 230

Upon the determination of the organizational board of 231
commissioners that a sufficient petition has been filed in 232
accordance with this section, the board shall fix the time and 233
place of a hearing on the petition for the establishment of the 234
proposed new community authority. Such hearing shall be held not 235
less than ninety-five nor more than one hundred fifteen days after 236
the petition filing date, except that if the petition has been 237
signed by all proximate ~~cities~~ communities or if the 238
organizational board of commissioners is the legislative authority 239
of the only proximate ~~city~~ community for the proposed new 240
community district, such hearing shall be held not less than 241
thirty nor more than forty-five days after the petition filing 242

date. The clerk of the organizational board of commissioners ~~with~~ 243
~~which the petition was filed~~ shall give notice thereof by 244
publication once each week for three consecutive weeks, or as 245
provided in section 7.16 of the Revised Code, in a newspaper of 246
general circulation in any county of which a portion is within the 247
proposed new community district. Except where the organizational 248
board of commissioners is the legislative authority of the only 249
proximate city community for the proposed new community district, 250
such clerk shall also give written notice of the date, time, and 251
place of the hearing and furnish a certified copy of the petition 252
to the clerk of the legislative authority of each proximate city 253
community which has not signed such petition. Except where the 254
organizational board of commissioners is the legislative authority 255
of the only proximate city community for the proposed new 256
community district, in the event that the legislative authority of 257
a proximate city community which did not sign the petition does 258
not approve by ordinance, resolution, or motion the establishment 259
of the proposed new community authority and does not deliver such 260
ordinance, resolution, or motion to the clerk of the 261
organizational board of commissioners ~~with which the petition was~~ 262
~~filed~~ within ninety days following the date of the first 263
publication of the notice of the public hearing, the 264
organizational board of commissioners shall cancel such public 265
hearing and terminate the proceedings for the establishment of the 266
new community authority. 267

Upon the hearing, if the organizational board of 268
commissioners determines by resolution that the proposed new 269
community district will be conducive to the public health, safety, 270
convenience, and welfare, and is intended to result in the 271
development of a new community, the board shall by its resolution, 272
declare the new community authority to be organized and a body 273

politic and corporate with the corporate name designated in the 274
resolution, and define the boundary of the new community district. 275
In addition, the resolution shall provide the method of selecting 276
the board of trustees of the new community authority and fix the 277
surety for their bonds in accordance with section 349.04 of the 278
Revised Code. 279

If the organizational board of commissioners finds that the 280
establishment of the district will not be conducive to the public 281
health, safety, convenience, or welfare, or is not intended to 282
result in the development of a new community, it shall reject the 283
petition thereby terminating the proceedings for the establishment 284
of the new community authority. 285

~~(B)~~(B)(1) At any time after the creation of a new community 286
authority, the developer may file an application with the clerk of 287
the organizational board of commissioners with which the original 288
petition was filed, setting forth a general description of 289
territory it desires to add or to delete from such district, that 290
such change will be conducive to the public health, safety, 291
convenience, and welfare, and will be consistent with the 292
development of a new community and will not jeopardize the plan of 293
the new community. ~~If~~ 294

(2) If the territory to be added or deleted from a new 295
community district meets the criteria described in either division 296
(F)(3) or (4) of section 349.01 of the Revised Code, and the 297
original petition was not filed with the municipal or township 298
organizational board of commissioners described in those 299
divisions, the developer shall also file the application to the 300
clerk of that municipal or township organizational board of 301
commissioners. A municipal or township organizational board of 302
commissioners that receives an application under division (B)(2) 303

of this section is the acting organizational board of
commissioners for the purposes of division (B)(4) of this section.
Otherwise, the organizational board of commissioners with which
the original petition was filed is the acting organizational board
of commissioners for the purposes of that division.

304
305
306
307
308

(3) If the developer is not a municipal corporation, port
authority, or county, all of such an addition to such a district
shall be owned by, or under the control through leases of at least
seventy-five years' duration, options, or contracts to purchase,
of the developer. ~~Upon~~

309
310
311
312
313

(4) Upon the filing of the application, the acting
organizational board of commissioners shall follow the same
procedure as required by this section in relation to the original
petition for the establishment of the proposed new community. The
acting organizational board of commissioners also may determine by
resolution to add territory to such district, provided that the
owner or other person who controls such territory through leases
of at least forty years' duration, options, or contracts to
purchase files a written consent to the addition of such territory
with the clerk of the acting organizational board of
commissioners, and neither the developer ~~does not object nor, if~~
applicable, the organizational board of commissioners with which
the original petition was filed objects to the addition of such
territory by filing a written objection ~~to the addition of such~~
~~territory~~ with the clerk of the acting organizational board of
commissioners before the adoption of the resolution adding such
territory to the district. The acting organizational board of
commissioners shall follow the same procedure as required by this
section in relation to the original petition for the establishment
of the proposed new community when adopting such a resolution.

314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333

(C) If all or any part of the new community district is 334
annexed to one or more existing municipal corporations, their 335
legislative authorities may appoint persons to replace any 336
appointed citizen member of the board of trustees. The number of 337
such trustees to be replaced by the municipal corporation shall be 338
the number, rounded to the lowest integer, bearing the 339
proportionate relationship to the number of existing appointed 340
citizen members as the acreage of the new community district 341
within such municipal corporation bears to the total acreage of 342
the new community district. If any such municipal corporation 343
chooses to replace an appointed citizen member, it shall do so by 344
ordinance, the term of the trustee being replaced shall terminate 345
thirty days from the date of passage of such ordinance, and the 346
trustee to be replaced shall be determined by lot. Each newly 347
appointed member shall assume the term of the member's 348
predecessor. 349

Sec. 349.04. The following method of selecting a board of trustees is deemed to be a compelling state interest. Within ten days after the new community authority has been established, as provided in section 349.03 of the Revised Code, an initial board of trustees shall be appointed as follows: the organizational board of commissioners shall appoint by resolution at least three, but not more than six, citizen members of the board of trustees to represent the interests of present and future residents and employers of the new community district and one member to serve as a representative of local government, and the developer shall appoint a number of members equal to the number of citizen members to serve as representatives of the developer.

Members shall serve two-year overlapping terms, with two of each of the initial citizen and developer members appointed to serve initial one-year terms. The organizational board of commissioners shall adopt, by further resolution adopted within one year of such resolution establishing such initial board of trustees, a method for selection of successor members thereof which determines the projected total population of the projected new community and meets the following criteria:

(A) The appointed citizen members shall be replaced by elected citizen members according to a schedule established by the organizational board of commissioners calculated to achieve one such replacement each time the new community district gains a proportion, having a numerator of one and a denominator of twice the number of citizen members, of its projected total population until such time as all of the appointed citizen members are replaced.

(B) Representatives of the developer shall be replaced by elected citizen members according to a schedule established by the

organizational board of commissioners calculated to achieve one 380
such replacement each time the new community district gains a 381
proportion, having a numerator of one and a denominator equal to 382
the number of developer members, of its projected total population 383
until such time as all of the developer's representatives are 384
replaced. 385

(C) The representative of local government shall be replaced 386
by an elected citizen member at the time the new community 387
district gains three-quarters of its projected total population. 388

Elected citizen members of the board of trustees shall be 389
elected by a majority of the residents of the new community 390
district voting at elections held at the times and in the manner 391
provided in a resolution of the organizational board of 392
commissioners. Each citizen member except an appointed citizen 393
member shall be a qualified elector who resides within the new 394
community district. The organizational board of commissioners, by 395
resolution, may adopt an alternative method of selecting or 396
electing successor members of the board of trustees provided that 397
if an alternative method of selection is adopted for a new 398
community authority organized prior to March 22, 2012, the board 399
of trustees of that authority shall be limited in the collection 400
of a community development charge, collected pursuant to division 401
(Q) of section 349.06 of the Revised Code, and the issuance of 402
bonds or notes, issued pursuant to section 349.08 of the Revised 403
Code, to the amount or to the extent otherwise permitted for a 404
board of trustees whose members are not elected by residents of 405
the new community district. If the alternative method provides for 406
the election of citizen members, the elections may be held at the 407
times and in the manner provided in the petition or in a 408
resolution of the organizational board of commissioners, and the 409
elected citizen members shall be qualified electors who reside in 410

the new community district. 411

Citizen members shall not be employees of or have financial 412
interest in the developer. If a vacancy occurs in the office of a 413
member other than a member appointed by the developer, the 414
organizational board of commissioners may appoint a successor 415
member for the remainder of the unexpired term. Any appointed 416
member of the board of trustees may at any time be removed by the 417
organizational board of commissioners for misfeasance, 418
nonfeasance, or malfeasance in office. Members appointed by the 419
developer may also at any time be removed by the developer without 420
a showing of cause. 421

Each member of the board of trustees, before entering upon 422
official duties, shall take and subscribe to an oath before an 423
officer authorized to administer oaths in Ohio that the member 424
will honestly and faithfully perform the duties of the member's 425
office. Such oath shall be filed in the office of the clerk of the 426
organizational board of commissioners ~~with which the petition was~~ 427
~~filed~~. Upon taking the oath, the board of trustees shall elect one 428
of its number as chairperson and another as vice-chairperson, and 429
shall appoint suitable persons as secretary and treasurer who need 430
not be members of the board. The treasurer shall be the fiscal 431
officer of the authority. The board shall adopt by-laws governing 432
the administration of the affairs of the new community authority. 433
Each member of the board shall post a bond for the faithful 434
performance of official duties and give surety therefor in such 435
amount, but not less than ten thousand dollars, as the resolution 436
creating such board shall prescribe. 437

All of the powers of the new community authority shall be 438
exercised by its board of trustees, but without relief of such 439
responsibility, such powers may be delegated to committees of the 440

board or its officers and employees in accordance with its 441
by-laws. A majority of the board shall constitute a quorum, and a 442
concurrence of a majority of a quorum in any matter within the 443
board's duties is sufficient for its determination, provided a 444
quorum is present when such concurrence is had and a majority of 445
those members constituting such quorum are trustees not appointed 446
by the developer. All trustees shall be empowered to vote on all 447
matters within the authority of the board of trustees, and no vote 448
by a member appointed by the developer shall be construed to give 449
rise to civil or criminal liability for conflict of interest on 450
the part of public officials. 451

Sec. 349.14. Except as provided in section 349.03 of the Revised Code, or as otherwise provided in a resolution adopted by the organizational board of commissioners of a new community authority, a new community authority organized under this chapter may be dissolved only on the vote of a majority of the voters of the new community district at a special election called by the board of trustees on the question of dissolution. Such an election may be called only after the board has determined that the new community development program has been completed, when no community authority bonds or notes are outstanding, and other legal indebtedness of the authority has been discharged or provided for, and only after there has been filed with the board of trustees a petition requesting such election, signed by a number of qualified electors residing in the new community district equal to not less than eight per cent of the total vote cast for all candidates for governor in the new community district at the most recent general election at which a governor was elected. If a majority of the votes cast favor dissolution, the board of trustees shall, by resolution, declare the authority dissolved and thereupon the community authority shall be dissolved. A certified copy of the resolution shall, within fifteen days after its adoption, be filed with the clerk of the organizational board of commissioners ~~of the county~~ with which the original petition for the organization of the new community authority was filed and with the clerk of any other organizational board of commissioners where territory of the new community district was located.

Upon dissolution of a new community authority, the powers thereof shall cease to exist. Any property of the new community authority shall vest with a municipal corporation, county, or

township in which that property is located or with the developer 482
of the new community authority or the developer's designee, all as 483
provided in a resolution adopted by the organizational board of 484
commissioners. Any vesting of property in a municipal corporation, 485
township, or county shall be subject to acceptance of the property 486
by resolution of the legislative authority of the municipal 487
corporation, board of township trustees, or board of county 488
commissioners, as applicable. If the legislative authority of a 489
municipal corporation, board of township trustees, or board of 490
county commissioners declines to accept the property, the property 491
vests with the developer or the developer's designee. Any funds of 492
the community authority at the time of dissolution shall be 493
transferred to the municipal corporation and county or township, 494
as provided in a resolution, in which the new community district 495
is located in the proportion to the assessed valuation of taxable 496
real property of the new community authority within such municipal 497
corporation and township or county as said valuation appears on 498
the current assessment rolls." 499

In line 108792, after "341.25," insert "349.01, 349.03, 500
349.04, 349.14," 501

The motion was _____ agreed to.

SYNOPSIS

New community authorities and townships 502

R.C. 349.01, 349.03, 349.04, and 349.14 503

Reinstates provisions that were included in the House version 504
of the bill, but removed by the Senate substitute bill, that 505

authorizes a township to form a new community authority or add or
delete territory from an existing new community district with the
approval of the board of the township trustees, instead of the
approval of the county commissioners under existing law, if the
new community district is comprised of unincorporated territory
and located entirely within a township with at least 5,000 people
and in a county with a population of at least 200,000 and not more
than 400,000 people.

506
507
508
509
510
511
512
513

_____ moved to amend as follows:

1 In line 83858, after "(B)" delete the balance of the line

2 Delete lines 83859 through 83861

3 In line 83862, delete "(2)"

4 In line 83877, delete the second "the"

5 Delete lines 83878 through 83882

6 In line 83883, delete "exceeds two thousand dollars. If"

7 and insert "if"

8 In line 83884, delete "or contains two thousand dollars"

9 In line 83887, after "program" insert ". Before
10 deactivating an electronic benefits transfer card under division
11 (D) of this section, the department shall provide notice of the
12 intent to deactivate the card to the household, including a
13 specified cure period during which the household may use the
14 card or notify the department that the card is still in use"

15 The motion was _____ agreed to.

16

SYNOPSIS

17

SNAP EBT cards

18

R.C. 5101.542

19
20

Removes Senate-added provisions that would have done all of the following:

21
22
23

- Required ODJFS to immediately deactivate a SNAP EBT card upon notification that the card has been reported as lost, stolen, or damaged.

24
25

- Prohibited the amount of available funds on a SNAP EBT card from exceeding \$2,000.

26
27
28

- Specified that if a card contained a balance of \$2,000 for a period of six months, ODJFS would be required to deactivate the card and return the funds to the SNAP program.

29
30
31
32
33
34

Modifies a Senate-added provision to specify that before deactivating a SNAP EBT card that is unused for a period of six months, ODJFS must provide the affected household with notice of the intent to deactivate the card, including a specified cure period during which the household may use the card or notify ODJFS that the card is still in use.

_____ moved to amend as follows:

1 In line 228 of the title, delete "5101.548,"

2 In line 793, delete "5101.548,"

3 Delete lines 83911 through 83918

4 The motion was _____ agreed to.

5 SYNOPSIS

6 **SNAP categorical eligibility**

7 **R.C. 5101.548**

8 Removes a Senate-added provision that would have specified
9 that a household is not categorically eligible for purposes of
10 receiving SNAP benefits if any members of the household receive
11 or are authorized to receive a noncash, in-kind, or other
12 similar benefit.

_____ moved to amend as follows:

1 Delete lines 83892 through 83910 and insert:

2 "Sec. 5101.547. (A) The department of job and family
3 services shall redesign the employment and training program
4 established under rules adopted by the department pursuant to
5 division (A)(7) of section 5101.54 of the Revised Code. In
6 redesigning the employment and training program, the department
7 shall ensure that the new program meets the needs of employers
8 in this state.

9 (B) Not later than July 1, 2024, the department shall
10 appear before the finance committees of both the house of
11 representatives and the senate to report on the redesigned
12 employment and training program established under division (A)
13 of this section."

14 The motion was _____ agreed to.

15 SYNOPSIS

16 **SNAP employment and training program**

17 **R.C. 5101.547**

18 Removes Senate-added provisions that would have done both
19 of the following:

SC2911X1

20 - Required individuals age 16-59 to participate in an
21 employment and training program established by ODJFS as a
22 condition of SNAP eligibility.

23 - Prohibited individuals subject to SNAP work registration
24 requirements from declining an offer for an increase in
25 employment hours or compensation.

26 Instead, requires ODJFS to redesign its existing employment
27 and training program in a manner that meets the needs of
28 employers in the state.

29 Not later than July 1, 2024, requires ODJFS to appear
30 before the House Finance and Senate Finance committees to report
31 on the redesigned employment and training program.

_____ moved to amend as follows:

1 In line 215 of the title, delete "2329.313,"

2 In line 783, delete "2329.313,"

3 In line 8573, delete "under section 2329.313 of the Revised
4 Code"

5 In line 8584, delete "under section 2329.313"

6 In line 8585, delete "of the Revised Code"

7 In line 8621 delete "under section"

8 In line 8622, delete "2329.313 of the Revised Code"

9 In line 8623, delete "under that section"

10 In line 31669, delete "written"; delete "and information
11 sharing"

12 Delete lines 31704 through 31849, and insert:

13 "Sec. 2329.261. (A) As used in this section:

14 (1) "Levying officer" means the officer who makes the
15 public sale of the residential property subject to this section.

16 "Levying officer" includes a private selling officer.

17 (2) "Electing subdivision," "county land reutilization
18 corporation," and "land reutilization program" have the same
19 meanings as in section 5722.01 of the Revised Code.

20 (3) "Manufactured home" has the same meaning as in section
21 3781.06 of the Revised Code.

22 (4) "Qualifying residential property" means single-family
23 residential property, including a single unit in a multi-unit
24 property containing not more than ten units but excluding
25 manufactured homes, that has at least one thousand square feet
26 of habitable space per unit.

27 (B) If qualifying residential property sold at public sale
28 pursuant to this chapter is located within the territory of a
29 land reutilization program, the levying officer shall notify the
30 electing subdivision or county land reutilization corporation
31 that operates the program of the sale.

32 (C) The levying officer shall maintain a web site and
33 telephone number to provide information on applicable
34 properties.

35 (D) A levying officer may use any web site maintained to
36 satisfy any other provision of this chapter, including the
37 official public sheriff sale web site established pursuant to
38 section 2329.153 of the Revised Code, to satisfy the
39 requirements of division (C) of this section."

40 The motion was _____ agreed to.

41

SYNOPSIS

42

Purchase of foreclosed properties by land banks

43

**R.C. 122.631, 2329.261, and 2329.27; R.C. 2329.313
44 (removed)**

45

46

Removes the provisions from the Welcome Home Ohio Program added by the Senate that would have:

47

48

49

- Allowed land banks to match the winning bid on residential real property after a foreclosure sale has taken place.

50

51

- Required the levying officer to provide certain information to land banks about how to match the winning bid.

52

53

54

55

Retains a requirement, added by the Senate, that the levying officer notify land banks when residential properties are offered for sale at public auction and post information about those properties on a website.

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 223849, delete "\$165,000,000 \$165,000,000" and insert 1
"\$193,800,000 \$196,200,000" 2

In line 223851, add \$28,800,000 to fiscal year 2024 and 3
\$31,200,000 to fiscal year 2025 4

In line 223889, add \$28,800,000 to fiscal year 2024 and 5
\$31,200,000 to fiscal year 2025 6

In line 224604, delete the comma; delete "section" and insert 7
"sections"; after "entitled" insert "COMMUNITY SCHOOL EQUITY 8
SUPPLEMENT" and" 9

After line 224703, insert: 10

"**Section 265.____.** COMMUNITY SCHOOL EQUITY SUPPLEMENT 11

The Department of Education and Workforce shall pay an equity 12
supplement in fiscal years 2024 and 2025 to each community school 13
established under Chapter 3314. of the Revised Code that is not an 14
internet- or computer-based community school, as defined in 15
section 3314.02 of the Revised Code. The Department shall 16
calculate a community school's equity supplement for a fiscal year 17
by multiplying the number of students in the school's enrolled ADM 18
by \$400." 19

In line 224755, after "Code" insert "and the section of this 20

act entitled "COMMUNITY SCHOOL EQUITY SUPPLEMENT" "

21

The motion was _____ agreed to.

SYNOPSIS

Community school equity funding

22

Section 265.____

23

Requires the Department of Education and Workforce (DEW) to pay an equity supplement to each community school that is not an internet- or computer-based community school in FY 2024 and FY 2025.

24
25
26
27

Requires DEW to calculate a community school's equity supplement for a fiscal year by multiplying the school's enrolled ADM by \$400.

28
29
30

Includes the equity supplement in the calculation of transitional aid for a community school.

31
32

Department of Education and Workforce

33

Sections 265.10 and 265.270

34

Increases Fund 5Y00 ALI 200491, Public and Nonpublic Education Support, by \$28,800,000 in FY 2024 and \$31,200,000 in FY 2025.

35
36
37

Requires GRF ALI 200550, Foundation Funding - All Students, to be used to make the equity supplement payments (ALIs 200550 and 200491 work together to fund formula aid payments).

38
39
40

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 148 of the title, after "4785.09," insert "4905.03,"; 1
after "4929.163," insert "4929.18," 2

In line 734, after "4785.09," insert "4905.03,"; after 3
"4929.163," insert "4929.18," 4

After line 83089, insert: 5

"**Sec. 4905.03.** As used in this chapter, any person, firm, 6
copartnership, voluntary association, joint-stock association, 7
company, or corporation, wherever organized or incorporated, is: 8

(A) A telephone company, when engaged in the business of 9
transmitting telephonic messages to, from, through, or in this 10
state; 11

(B) A for-hire motor carrier, when engaged in the business of 12
transporting persons or property by motor vehicle for 13
compensation, except when engaged in any of the operations in 14
intrastate commerce described in divisions (B)(1) to (9) of 15
section 4921.01 of the Revised Code, but including the carrier's 16
agents, officers, and representatives, as well as employees 17
responsible for hiring, supervising, training, assigning, or 18
dispatching drivers and employees concerned with the installation, 19
inspection, and maintenance of motor-vehicle equipment and 20

accessories;

21

(C) An electric light company, when engaged in the business
of supplying electricity for light, heat, or power purposes to
consumers within this state, including supplying electric
transmission service for electricity delivered to consumers in
this state, but excluding a regional transmission organization
approved by the federal energy regulatory commission;

22

23

24

25

26

27

(D) A gas company, when engaged in the business of supplying
artificial gas for lighting, power, or heating purposes to
consumers within this state or when engaged in the business of
supplying artificial gas to gas companies or to natural gas
companies within this state, but a producer engaged in supplying
to one or more gas or natural gas companies, only such artificial
gas as is manufactured by that producer as a by-product of some
other process in which the producer is primarily engaged within
this state is not thereby a gas company. All rates, rentals,
tolls, schedules, charges of any kind, or agreements between any
gas company and any other gas company or any natural gas company
providing for the supplying of artificial gas and for compensation
for the same are subject to the jurisdiction of the public
utilities commission.

28

29

30

31

32

33

34

35

36

37

38

39

40

41

(E) A natural gas company, when engaged in the business of
supplying natural gas for lighting, power, or heating purposes to
consumers within this state. Notwithstanding the above, neither
the delivery nor sale of Ohio-produced natural gas or
Ohio-produced raw natural gas liquids by a producer or gatherer
under a public utilities commission-ordered exemption, adopted
before, as to producers, or after, as to producers or gatherers,
January 1, 1996, or the delivery or sale of Ohio-produced natural
gas or Ohio-produced raw natural gas liquids by a producer or

42

43

44

45

46

47

48

49

50

gatherer of Ohio-produced natural gas or Ohio-produced raw natural
gas liquids, either to a lessor under an oil and gas lease of the
land on which the producer's drilling unit is located, or the
grantor incident to a right-of-way or easement to the producer or
gatherer, shall cause the producer or gatherer to be a natural gas
company for the purposes of this section.

All rates, rentals, tolls, schedules, charges of any kind, or
agreements between a natural gas company and other natural gas
companies or gas companies providing for the supply of natural gas
and for compensation for the same are subject to the jurisdiction
of the public utilities commission. The commission, upon
application made to it, may relieve any producer or gatherer of
natural gas, defined in this section as a gas company or a natural
gas company, of compliance with the obligations imposed by this
chapter and Chapters 4901., 4903., 4907., 4909., 4921., and 4923.
of the Revised Code, so long as the producer or gatherer is not
affiliated with or under the control of a gas company or a natural
gas company engaged in the transportation or distribution of
natural gas, or so long as the producer or gatherer does not
engage in the distribution of natural gas to consumers.

Nothing in division (E) of this section limits the authority
of the commission to enforce sections 4905.90 to 4905.96 of the
Revised Code.

(F) A pipe-line company, when engaged in the business of
transporting natural gas, oil, or coal or its derivatives through
pipes or tubing, either wholly or partly within this state, but
not when engaged in the business of the transport associated with
gathering lines, raw natural gas liquids, or finished product
natural gas liquids;

(G) A water-works company, when engaged in the business of

supplying water through pipes or tubing, or in a similar manner,	81
to consumers within this state;	82
(H) A heating or cooling company, when engaged in the	83
business of supplying water, steam, or air through pipes or tubing	84
to consumers within this state for heating or cooling purposes;	85
(I) A messenger company, when engaged in the business of	86
supplying messengers for any purpose;	87
(J) A street railway company, when engaged in the business of	88
operating as a common carrier, a railway, wholly or partly within	89
this state, with one or more tracks upon, along, above, or below	90
any public road, street, alleyway, or ground, within any municipal	91
corporation, operated by any motive power other than steam and not	92
a part of an interurban railroad, whether the railway is termed	93
street, inclined-plane, elevated, or underground railway;	94
(K) A suburban railroad company, when engaged in the business	95
of operating as a common carrier, whether wholly or partially	96
within this state, a part of a street railway constructed or	97
extended beyond the limits of a municipal corporation, and not a	98
part of an interurban railroad;	99
(L) An interurban railroad company, when engaged in the	100
business of operating a railroad, wholly or partially within this	101
state, with one or more tracks from one municipal corporation or	102
point in this state to another municipal corporation or point in	103
this state, whether constructed upon the public highways or upon	104
private rights-of-way, outside of municipal corporations, using	105
electricity or other motive power than steam power for the	106
transportation of passengers, packages, express matter, United	107
States mail, baggage, and freight. Such an interurban railroad	108
company is included in the term "railroad" as used in section	109
4907.02 of the Revised Code.	110

(M) A sewage disposal system company, when engaged in the 111
 business of sewage disposal services through pipes or tubing, and 112
 treatment works, or in a similar manner, within this state. 113

As used in ~~this~~ division (E) of this section, "natural gas" 114
includes natural gas that has been processed to enable consumption 115
or to meet gas quality standards or that has been blended with 116
propane, hydrogen, biologically derived methane gas, or any other 117
artificially produced or processed gas. 118

As used in this section, "gathering lines" has the same 119
 meaning as in section 4905.90 of the Revised Code, and "raw 120
 natural gas liquids" and "finished product natural gas liquids" 121
 have the same meanings as in section 4906.01 of the Revised Code." 122

After line 83312, insert: 123

"**Sec. 4929.18.** (A) As used in this section, "biologically 124
 derived methane gas" has the same meaning as in section 5713.30 of 125
 the Revised Code. 126

~~(B)~~(B)(1) The following property, equipment, or facilities 127
installed or constructed by a natural gas company may be treated 128
as instrumentalities and facilities for distribution service if 129
the public utilities commission determines that treatment is just 130
and reasonable: 131

(a) Any property, equipment, or facilities ~~installed or~~ 132
~~constructed by a natural gas company~~ to enable interconnection 133
 with or receipt from any property, equipment, or facilities used 134
 to generate, collect, gather, or transport biologically derived 135
 methane gas, or to enable the blending or supply of biologically 136
 derived methane gas to consumers within this state, ~~may be treated~~ 137
~~as instrumentalities and facilities for distribution service if~~ 138
~~the public utilities commission determines that treatment is just~~ 139

~~and reasonable.~~ 140

(b) Any property, equipment, or facilities to enable 141
interconnection with or receipt from any property, equipment, or 142
facilities used to generate, collect, gather, or transport 143
hydrogen, or to enable the blending of hydrogen with natural gas 144
for supply to consumers within this state. 145

(2) If the commission makes ~~that~~ the determination described 146
in division (B)(1) of this section, the property, equipment, or 147
facilities shall be considered used and useful in rendering public 148
utility service for purposes of section 4909.15 of the Revised 149
Code." 150

In line 108872, after "4785.09," insert "4905.03, "; after 151
"4929.163," insert "4929.18," 152

After line 236133, insert: 153

"Section 4905.03 of the Revised Code as amended by both H.B. 154
487 and S.B. 315 of the 129th General Assembly." 155

The motion was _____ agreed to.

SYNOPSIS

Natural gas companies 156

R.C. 4905.03 and 4929.18 157

Includes as "natural gas," for purposes of determining 158
entities that are natural gas companies under public utilities 159
law, natural gas that has been processed to enable consumption or 160
to meet gas quality standards or that has been blended with 161
certain other artificially produced or processed gas. 162

Expands the property, equipment, or facilities installed or constructed by a natural gas company that may be treated as instrumentalities and facilities for distribution service after public utilities commission approval to include:

- Property, equipment, or facilities to enable the blending of biologically derived methane gas to customers;
- Property, equipment, or facilities to enable interconnection with or receipt from property, equipment, or facilities used to generate, collect, gather, or transport hydrogen or to enable the blending of hydrogen with natural gas for supplying customers.

163
164
165
166
167
168
169
170
171
172
173

_____ moved to amend as follows:

1 In line 53942, after "Sec. 3706.051." insert "(A)"

2 In line 53946, delete "(A)" and insert "(1)"

3 In line 53950, delete "(B)" and insert "(2)"

4 In line 53953, delete "(C)" and insert "(3)"

5 After line 53956, insert:

6 "(B) If the municipal corporation or township is a
7 participating political subdivision of a special improvement
8 district organized under Chapter 1710. of the Revised Code for
9 the purpose of developing and implementing plans for special
10 energy improvement projects, the municipal corporation or
11 township shall provide notice to the special improvement
12 district of the following:

13 (1) The agreement entered into under division (A) of this
14 section;

15 (2) The air quality facility for which property is to be
16 assessed pursuant to that division."

17 Delete lines 54057 through 54068 and insert:

18 "The authority may enter into an agreement under this
19 section with a municipal corporation, a township, or a special

20 improvement district created under Chapter 1710. of the Revised
21 Code pursuant to which the authority issues air quality revenue
22 bonds or notes under section 3706.05 of the Revised Code and
23 remits the proceeds to the municipal corporation, township,
24 district, or other party to the transaction to pay any part of
25 the cost of an air quality facility described in division
26 (G)(12) of section 3706.01 of the Revised Code. Under the
27 agreement, the municipal corporation, township, or district
28 shall assign and remit the proceeds of a special assessment
29 levied under Chapter 727. or section 1710.06 of the Revised Code
30 for paying the costs of that air quality facility to the
31 authority, or its agents or assignees, for the purpose of
32 servicing those bonds and notes."

33 The motion was _____ agreed to.

34 SYNOPSIS

35 **Special energy improvement districts**

36 **R.C. 3706.051 and 3706.12.**

37 Restores provisions from the House-passed version of the
38 bill that do all of the following:

39 1. Require a municipal corporation or township that is part
40 of a special improvement district (SID) that develops and
41 implements plans for special energy improvement projects to
42 notify the SID of any property assessments levied for an air
43 quality facility under an agreement, authorized under the bill,

SC2932

44 between the Ohio Air Quality Development Authority and either
45 the municipal corporation or township.

46 2. Add that townships, in addition to municipal
47 corporations and special improvement districts, may enter into a
48 contract with the Ohio Air Quality Development Authority (OAQDA)
49 to pay for an air quality facility, whereby the OAQDA issues
50 revenue bonds to pay for the facility and the township levies a
51 special assessment and remits the payment to the OAQDA to pay
52 back the bonds.

53 3. Allow the money generated by the OAQDA revenue bonds to
54 go directly to a party to the transaction (i.e., air quality
55 facility contractor) instead of first going to the local
56 government.

_____ moved to amend as follows:

1 In line 207 of the title, after "122.852," insert
2 "125.036,"

3 In line 777, after "122.852," insert "125.036,"

4 In line 10767, strike through "and"

5 In line 10770, after "Code" insert ";

6 (3) Ohio-based personal protective equipment manufacturers
7 program established by the director of administrative services
8 under section 125.036 of the Revised Code"

9 In line 10843, after the period insert "The director may
10 issue a release and permit for the purchase of personal
11 protective equipment from a foreign personal protective
12 equipment manufacturer, if purchasing from an Ohio-based
13 personal protective equipment manufacturer would result in the
14 state agency paying a price that is one hundred twenty per cent
15 or higher than the price that is available from the foreign
16 supplier."

17 After line 10846, insert:

18 "Sec. 125.036. (A) As used in this section:

19 "Ohio-based personal protective equipment manufacturer"
20 means a manufacturer, at least two-thirds of the beneficial
21 ownership of which is vested in residents of this state, that
22 produces personal protective equipment in this state.

23 "Personal protective equipment" has the meaning defined in
24 division (E) of section 125.05 of the Revised Code.

25 (B) The director of administrative services shall establish
26 and maintain an Ohio-based personal protective equipment
27 manufacturers program. Under the program, the director shall
28 establish and maintain a list of Ohio-based personal protective
29 equipment manufacturers qualified to fulfill a purchase request
30 under division (B) (3) of section 125.035 of the Revised Code."

31 The motion was _____ agreed to.

32 SYNOPSIS

33 **Ohio-based personal protective equipment manufacturers'**
34 **procurement program**

35 **R.C. 125.035 and 125.036**

36 Requires the Director of Administrative Services to
37 establish and maintain an Ohio-based personal protective
38 equipment manufacturers program.

39 Requires the Director to establish and maintain a list of
40 such manufacturers qualified to fulfill purchase requests as a
41 first requisite procurement program.

42 Requires a state agency to make certain qualifying
43 purchases from an Ohio-based personal protective equipment

SC2933X2

44 manufacturer if an Ohio-based personal protective equipment
45 manufacturer on the Director's list is able to fulfill the
46 purchase request, but allows the Director to issue a release and
47 permit for a foreign manufacturer, if purchasing from an Ohio-
48 based personal protective equipment manufacturer would result in
49 the state agency paying a price that is 120% or higher.

_____ moved to amend as follows:

1 Delete lines 121368 through 121415

2 The motion was _____ agreed to.

3 SYNOPSIS

4 **Corrective amendment - removes erroneous section**

5 **R.C. 3301.132**

6 Corrects a drafting error.

Sub. H.B. 33
As Passed by the House

_____ moved to amend as follows:

In line 113 of the title, after "4141.31," insert "4301.19," 1

In line 709, after "4141.31," insert "4301.19," 2

After line 62407, insert: 3

"**Sec. 4301.19.** The division of liquor control shall sell 4
spirituous liquor only, whether from a warehouse or from a state 5
liquor store or agency store. All sales shall be in sealed 6
containers and for resale as authorized by this chapter and 7
Chapter 4303. of the Revised Code or for consumption off the 8
premises only. Except as otherwise provided in this section, sale 9
of containers holding one-half pint or less of spirituous liquor 10
by the division shall be made at retail only, and not for the 11
purpose of resale by any purchaser, by special order placed with a 12
state liquor store or agency store and subject to rules 13
established by the superintendent of liquor control. The division 14
may sell at wholesale spirituous liquor in fifty milliliter sealed 15
containers to any holder of a permit issued under Chapter 4303. of 16
the Revised Code that authorizes the sale of spirituous liquor for 17
consumption on the premises where sold. A person appointed by the 18
division to act as an agent for the sale of spirituous liquor 19
pursuant to section 4301.17 of the Revised Code may provide and 20
accept gift certificates and may accept credit cards and debit 21

cards for the retail purchase of spirituous liquor. Deliveries 22
 shall be made in the manner the superintendent determines by rule. 23

~~If~~ Subject to division (A)(3) of section 4301.10 and division 24
(A) of section 4301.14 of the Revised Code, if any person desires 25
 to purchase any variety or brand of spirituous liquor which is not 26
 in stock at the state liquor store or agency store where the 27
 variety or brand is ordered, the division shall immediately 28
 procure the variety or brand. The purchaser shall be immediately 29
 notified upon the arrival of the spirituous liquor at the store at 30
 which it was ordered. Unless the purchaser pays for the variety or 31
 brand and accepts delivery within five days after the giving of 32
 the notice, the division may place the spirituous liquor in stock 33
 for general sale." 34

In line 108847, after "4141.31," insert "4301.19," 35

The motion was _____ agreed to.

SYNOPSIS

Sale of spirituous liquor by agency store 36

R.C. 4301.19 37

Specifies that the statute requiring the Division of Liquor 38
 Control to procure, upon request of a person, a specific variety 39
 or brand of spirituous liquor via an agency store is subject to 40
 both of the following: 41

1. The statute requiring the Division to operate a system for 42
 the sale of spirituous liquor at agency stores; 43

2. The statute allowing the Superintendent of Liquor Control 44
 to establish rules for the equitable distribution of spirituous 45

liquor for brands and varieties that are in high demand.

46

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 48 of the title, after "1531.01," insert "1531.03," 1

In line 661, after "1531.01," insert "1531.03," 2

After line 28829, insert: 3

"**Sec. 1531.03.** There is hereby created within the department 4
of natural resources a division of wildlife and a wildlife 5
council. 6

The council shall have eight members, not more than four of 7
whom shall be of the same political party, who shall be appointed 8
by the governor with the advice and consent of the senate and 9
shall be persons interested in the conservation of the natural 10
resources of the state. At least two of the eight members shall be 11
engaged in farming as their principal means of support. Terms of 12
office shall be for four years, commencing on the first day of 13
February and ending on the thirty-first day of January. Each 14
member shall hold office from the date of ~~his~~ appointment until 15
the end of the term for which ~~he~~ the member was appointed. In the 16
event of the death, removal, resignation, or incapacity of a 17
member of the council, the governor, with the advice and consent 18
of the senate, shall appoint a successor who shall hold office for 19
the remainder of the term for which ~~his~~ the member's predecessor 20

was appointed. Any member shall continue in office subsequent to 21
the expiration date of ~~his~~ the member's term until ~~his~~ a successor 22
takes office, or until a period of sixty days has elapsed, 23
whichever occurs first. 24

The council shall hold at least four regular quarterly 25
meetings each year. Special meetings may be held at the behest of 26
the ~~chairman~~ chairperson or a majority of the members. The council 27
shall annually select from among its members a ~~chairman~~ 28
chairperson, a ~~vice-chairman~~ vice-chairperson, and a secretary to 29
keep a record of its proceedings. 30

The governor may at any time remove any member of the council 31
for misfeasance, nonfeasance, or malfeasance in office. 32

A majority vote of the members of the council is necessary in 33
all matters. 34

The division shall cooperate with the other divisions of the 35
department and with all agencies of the state and federal 36
government for the promotion of a general program of conservation. 37

All division rules, in their entirety, relating to the annual 38
establishment of each calendar year's seasons, bag limits, size, 39
species, method of taking, and possession shall be adopted only 40
upon approval of the wildlife council. The wildlife council shall 41
not approve or disapprove such rules prior to fifteen days 42
following a public hearing held upon the rules in accordance with 43
Chapter 119. of the Revised Code. 44

The wildlife council shall do all of the following: 45

(A) Be represented by not less than three of its members at 46
all public hearings held pursuant to Chapter 119. of the Revised 47
Code for the purpose of establishment of seasons, bag limits, 48
size, species, methods of taking, and possession; 49

(B) Advise on policies of the division and the planning, 50
 development, and institution of programs and policies of the 51
 division; 52

(C) Investigate, consider, and make recommendations in all 53
 matters pertaining to the protection, preservation, propagation, 54
 possession, and management of wild animals throughout the state, 55
 as provided in this chapter and Chapter 1533. of the Revised Code; 56

(D) Report to the governor from time to time the results of 57
 its investigations concerning the wildlife resources of the state 58
 with recommendations of such measures as it considers necessary or 59
 suitable to conserve or develop those resources and preserve them 60
 as far as practicable." 61

In line 108799, after "1531.01," insert "1531.03," 62

The motion was _____ agreed to.

SYNOPSIS

Wildlife Council to approve annual Wildlife rules 63

R.C. 1531.03 64

Clarifies that ODNR's Division of Wildlife must obtain the 65
 Wildlife Council's approval prior to adopting rules that *annually* 66
 establish, *each calendar year*, all of the following regarding 67
 hunting and fishing: 68

1. Season (e.g. dates for the taking of wild animals); 69

2. Bag limits; 70

3. Sizes; 71

4. Species; 72

5.Method of taking; and	73
6.Possession.	74

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 226182, delete "\$1,525,000 \$1,525,000" and insert 1
"\$2,525,000 \$2,525,000" 2

In line 226189, add \$1,000,000 to each fiscal year 3

In line 226246, add \$1,000,000 to each fiscal year 4

After line 226342, insert: 5

"Of the foregoing appropriation item 440485, Health Program 6
Support, \$1,000,000 in each fiscal year shall be distributed to 7
CareStar Community Services for the Home Health Screening Pilot 8
Program, in accordance with Section 291.XXX of this act. If 9
CareStar Community Services contracts with an institution of 10
higher education to perform any services related to the pilot 11
program, administrative costs for those services shall not exceed 12
fifteen per cent of the cost of the services provided." 13

After line 226509, insert: 14

"**Section 291.____.** (A) The Director of Health shall collaborate 15
with CareStar Community Services to establish a two-year home 16
health screening pilot program during fiscal year 2024 and fiscal 17
year 2025. The purpose of the pilot program is to improve early 18
detection of chronic diseases for populations underserved by 19
health care providers and to connect patients with health care 20

services. 21

(B) Within thirty days of the effective date of this section, 22
the Director shall enter into a cooperative agreement with 23
CareStar Community Services whereby CareStar Community Services 24
may make decisions regarding the program responsibilities 25
established in division (C) of this section. 26

(C) The pilot program shall do all of the following: 27

(1) Identify a target population underserved by health care 28
providers that enables a large enough sample size to evaluate best 29
practices for further implementation; 30

(2) Deliver health screening tests directly to the homes of 31
members of the target population; 32

(3) Include screening tests for colorectal cancer, diabetes, 33
heart disease, cervical cancer, and any other screenings CareStar 34
Community Services deems appropriate in accordance with risk 35
stratification among the screening tests delivered directly to the 36
homes of the target population; 37

(4) Initiate public awareness and education efforts directed 38
at the target population to enhance patient engagement and the 39
return of completed tests; 40

(5) Provide notice of screening test results to those 41
submitting tests and provide referrals to health care providers 42
for consultations when appropriate and available. 43

(D) The Medicaid Director shall enter into a data sharing 44
agreement with the Director of Health to provide necessary patient 45
data with protected health information for use by the Director and 46
CareStar Community Services for the limited purposes of completing 47
the pilot. Any data sharing agreement shall include a requirement 48
that the pilot operators and any subcontractors with access to the 49

data maintain Health Information Trust Alliance compliance. 50

(E) Within sixty days prior to the end of fiscal year 2024 51
 and fiscal year 2025, CareStar Community Services in consultation 52
 with the Director of Health shall prepare a report which the 53
 Director shall submit to the Governor, the Speaker of the House of 54
 Representatives, the President of the Senate, and the chairs of 55
 the committees of each house with responsibility for health care 56
 policy. Each report shall include the status of the pilot program, 57
 including a quantification of estimated financial savings as a 58
 result of the early screenings and recommendations for expanding 59
 the pilot program into a statewide program." 60

The motion was _____ agreed to.

SYNOPSIS

Home health screening pilot program 61

Section 291.____ 62

Requires the Director of Health to establish a two-year home 63
 health screening pilot program. 64

Requires the Director to enter a cooperative agreement to 65
 administer the program with CareStar Community Services. 66

Requires the program to identify a target population that is 67
 underserved by health care providers to receive health screening 68
 tests at home. 69

Requires the Medicaid Director to enter into a data sharing 70
 agreement with the Director of Health regarding the pilot program. 71

Requires Carestar Community Services, in consultation with 72

the Director, to prepare an annual report on the pilot program. 73

Department of Health 74

Sections 291.10 and 291.20 75

Increases GRF ALI 440485, Health Program Support, by 76

\$1,000,000 in each fiscal year. Requires the increase in funds to 77

be distributed to CareStar Community Services for the Home Health 78

Screening Pilot Program. Specifies that, if CareStar Community 79

Services contracts with an institution of higher education to 80

perform any services related to the pilot program, administrative 81

costs for those services must not exceed 15% of the cost of the 82

services provided. 83

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 178 of the title, after "5713.03," insert "5715.01," 1

In line 756, after "5713.03," insert "5715.01," 2

After line 98204, insert: 3

"**Sec. 5715.01.** (A) The tax commissioner shall direct and 4
supervise the assessment for taxation of all real property. The 5
commissioner shall adopt, prescribe, and promulgate rules for the 6
determination of true value and taxable value of real property by 7
uniform rule for such values and for the determination of the 8
current agricultural use value of land devoted exclusively to 9
agricultural use. 10

(1) The uniform rules shall prescribe methods of determining 11
the true value and taxable value of real property. The rules shall 12
provide that in determining the true value of lands or 13
improvements thereon for tax purposes, all facts and circumstances 14
relating to the value of the property, its availability for the 15
purposes for which it is constructed or being used, its obsolete 16
character, if any, the income capacity of the property, if any, 17
and any other factor that tends to prove its true value shall be 18
used. In determining the true value of minerals or rights to 19
minerals for the purpose of real property taxation, the tax 20

commissioner shall not include in the value of the minerals or
rights to minerals the value of any tangible personal property
used in the recovery of those minerals.

21
22
23

(2) The uniform rules shall prescribe the method for
determining the current agricultural use value of land devoted
exclusively to agricultural use, which method shall reflect
standard and modern appraisal techniques that take into
consideration the productivity of the soil under normal management
practices, typical cropping and land use patterns, the average
price patterns of the crops and products produced and the typical
production costs to determine the net income potential to be
capitalized, and other pertinent factors.

24
25
26
27
28
29
30
31
32

In determining the agricultural land capitalization rate to
be applied to the net income potential from agricultural use, the
commissioner shall use standard and modern appraisal techniques.
In calculating the capitalization rate for any year, the
commissioner shall comply with both of the following requirements:

33
34
35
36
37

(a) The commissioner shall use an equity yield rate equal to
the greater of (i) the average of the total rates of return on
farm equity for the twenty-five most recent years for which those
rates have been calculated and published by the United States
department of agriculture economic research service or another
published source or (ii) the loan interest rate the commissioner
uses for that year to calculate the capitalization rate;

38
39
40
41
42
43
44

(b) The commissioner shall assume that the holding period for
agricultural land is twenty-five years for the purpose of
computing buildup of equity or appreciation with respect to that
land.

45
46
47
48

The commissioner shall add to the overall capitalization rate
a tax additur. The sum of the overall capitalization rate and the

49
50

tax additur shall represent as nearly as possible the rate of 51
 return a prudent investor would expect from an average or typical 52
 farm in this state considering only agricultural factors. 53

The commissioner shall annually determine and announce the 54
 overall capitalization rate, tax additur, agricultural land 55
 capitalization rate, and the individual components used in 56
 computing such amounts in a determination, finding, computation, 57
 or order of the commissioner published simultaneously with the 58
 commissioner's annual publication of the per-acre agricultural use 59
 values for each soil type. 60

(3) Notwithstanding any other provision of this chapter and 61
 Chapter 5713. of the Revised Code, the current agricultural use 62
 value of land devoted exclusively to agricultural use shall equal 63
 the following amounts for the years specified: 64

(a) In counties that undergo a reappraisal or triennial 65
 update in ~~2017~~ 2023, the current agricultural use value of the 66
 land for each of the ~~2017, 2018, and 2019~~ 2023, 2024, and 2025 tax 67
 years shall equal the ~~sum~~ average of the following amounts 68
determined under this section and section 5713.31 of the Revised 69
Code, and rules adopted pursuant to those sections: 70

(i) The current agricultural use value of the land for that 71
 tax year, ~~as determined under this section and section 5713.31 of~~ 72
~~the Revised Code, and rules adopted pursuant those sections,~~ 73
~~without regard to the adjustment under division (A)(3)(a)(ii) of~~ 74
~~this section;~~ 75

(ii) ~~One half of the amount, if any, by which the value of~~ 76
~~the land for the 2016 tax year, as determined under this section,~~ 77
~~section 5713.31 of the Revised Code, and the rules adopted~~ 78
~~pursuant those sections and issued by the tax commissioner for~~ 79
~~counties undergoing a reappraisal or triennial update in the 2016~~ 80

~~tax year, exceeds the value determined under division (A)(3)(a)(i) 81
of this section. The current agricultural use value of the land for 82
the 2022 tax year, as determined for counties undergoing a 83
reappraisal or triennial update in the 2022 tax year; 84~~

~~(iii) The current agricultural use value of the land for the 85
2021 tax year, as determined for counties undergoing a reappraisal 86
or triennial update in the 2021 tax year. 87~~

~~(b) In counties that undergo a reappraisal or triennial 88
update in ~~2018~~ 2024, the current agricultural use value of the 89
land for each of the ~~2018, 2019, and 2020~~ 2024, 2025, and 2026 tax 90
years shall equal the ~~sum~~ average of the following amounts 91
determined under this section and section 5713.31 of the Revised 92
Code, and rules adopted pursuant to those sections: 93~~

~~(i) The current agricultural use value of the land for that 94
tax year, ~~as determined under this section and section 5713.31 of 95
the Revised Code, and rules adopted pursuant those sections, 96
without regard to the adjustment under division (A)(3)(b)(ii) of 97
this section;~~ 98~~

~~(ii) ~~One half of the amount, if any, by which the value of 99
the land for the 2017 tax year, as determined under this section, 100
section 5713.31 of the Revised Code, and the rules adopted 101
pursuant those sections and issued by the tax commissioner for 102
counties undergoing a reappraisal or triennial update in the 2017 103
tax year, exceeds the value determined under division (A)(3)(b)(i) 104
of this section. The current agricultural use value of the land for 105
the 2023 tax year, as determined for counties undergoing a 106
reappraisal or triennial update in the 2023 tax year; 107~~~~

~~(iii) The current agricultural use value of the land for the 108
2022 tax year, as determined for counties undergoing a reappraisal 109
or triennial update in the 2022 tax year. 110~~

(c) In counties that undergo a reappraisal or triennial update in ~~2019~~ 2025, the current agricultural use value of the land for each of the ~~2019, 2020, and 2021~~ 2025, 2026, and 2027 tax years shall equal the ~~sum~~ average of the following amounts determined under this section and section 5713.31 of the Revised Code, and rules adopted pursuant to those sections:

(i) ~~The current agricultural use value of the land for that tax year, as determined under this section and section 5713.31 of the Revised Code, and rules adopted pursuant those sections, without regard to the adjustment under division (A)(3)(c)(ii) of this section;~~

(ii) ~~One half of the amount, if any, by which the value of the land for the 2018 tax year, as determined under this section, section 5713.31 of the Revised Code, and the rules adopted pursuant those sections and issued by the tax commissioner for counties undergoing a reappraisal or triennial update in the 2018 tax year, exceeds the value determined under division (A)(3)(c)(i) of this section~~ The current agricultural use value of the land for the 2024 tax year, as determined for counties undergoing a reappraisal or triennial update in the 2024 tax year;

(iii) The current agricultural use value of the land for the 2023 tax year, as determined for counties undergoing a reappraisal or triennial update in the 2023 tax year.

(B) The taxable value shall be that per cent of true value in money, or current agricultural use value in the case of land valued in accordance with section 5713.31 of the Revised Code, the commissioner by rule establishes, but it shall not exceed thirty-five per cent. The uniform rules shall also prescribe methods of making the appraisals set forth in section 5713.03 of the Revised Code. The taxable value of each tract, lot, or parcel

of real property and improvements thereon, determined in 141
accordance with the uniform rules and methods prescribed thereby, 142
shall be the taxable value of the tract, lot, or parcel for all 143
purposes of sections 5713.01 to 5713.26, 5715.01 to 5715.51, and 144
5717.01 to 5717.06 of the Revised Code. County auditors shall, 145
under the direction and supervision of the commissioner, be the 146
chief assessing officers of their respective counties, and shall 147
list and value the real property within their respective counties 148
for taxation in accordance with this section and sections 5713.03 149
and 5713.31 of the Revised Code and with such rules of the 150
commissioner. There shall also be a board in each county, known as 151
the county board of revision, which shall hear complaints and 152
revise assessments of real property for taxation. 153

(C) The commissioner shall neither adopt nor enforce any rule 154
that requires true value for any tax year to be any value other 155
than the true value in money on the tax lien date of such tax year 156
or that requires taxable value to be obtained in any way other 157
than by reducing the true value, or in the case of land valued in 158
accordance with section 5713.31 of the Revised Code, its current 159
agricultural use value, by a specified, uniform percentage." 160

In line 108894, after "5713.03," insert "5715.01," 161

After line 235887, insert: 162

"**Section 757.**____. Notwithstanding any provision of the 163
Revised Code to the contrary, if necessary, the Tax Commissioner 164
shall issue updated 2023 current agricultural use value tables to 165
reflect the amendment by this act of section 5715.01 of the 166
Revised Code. The updated values shall be issued within fifteen 167
days after the effective date of this section." 168

The motion was _____ agreed to.

SYNOPSIS

CAUV formula changes 169

R.C. 5715.01; Section 757.____ 170

Requires that, for farmland in counties that undergo a 171
property tax reappraisal or triennial update in 2023, 2024, or 172
2025, the land's "current agricultural use value" (CAUV) must 173
equal the average of the value calculated for that tax year and 174
the values that would have been assigned if the land were in a 175
county that underwent a reappraisal or update in each of the 176
preceding two years. 177

_____ moved to amend as follows:

1 In line 46018, delete "twelve" and insert "six"

2 In line 46022, delete "twelve" and insert "six"

3 In line 46039, after the underlined period insert "The
4 training required by this division may be conducted and approved
5 by a member of the building and construction trades."

6 The motion was _____ agreed to.

7 SYNOPSIS

8 **School counselors-building and construction**

9 **R.C. 3319.2213**

10 Reduces from 12 hours to six the proposed training
11 requirements for applicants for a pupil services license in
12 school counseling about the building and construction trades and
13 available apprenticeships.

14 Expressly permits members of the building and construction
15 trades to conduct and approve the continuing education required
16 for renewal of a pupil services license in school counseling.

Sub. H.B. 33
L-135-0001-5
DOHCD50

_____ moved to amend as follows:

In line 222 of the title, after "3503.153," insert 1
"3702.3012," 2

In line 223 of the title, after "3706.051," insert "3727.25," 3

In line 789, after "3503.153," insert "3702.3012,"; after 4
"3706.051," insert "3727.25," 5

After line 52833, insert: 6

"Sec. 3702.3012. (A) As used in this section, "surgical 7
smoke" and "surgical smoke evacuation system" have the same 8
meanings as in section 3727.25 of the Revised Code. 9

(B) Not later than one year after the effective date of this 10
section, each ambulatory surgical facility shall adopt and 11
implement a policy designed to prevent human exposure to surgical 12
smoke during any planned surgical procedure that is likely to 13
generate surgical smoke. The policy shall include the use of a 14
surgical smoke evacuation system. 15

(C) The director of health may adopt any rules the director 16
considers necessary to implement this section. The rules shall be 17
adopted in accordance with Chapter 119. of the Revised Code." 18

After line 54747, insert: 19

"Sec. 3727.25. (A) As used in this section: 20

(1) "Surgical smoke" means the airborne byproduct of an 21
energy-generating device used in a surgical procedure, including 22
smoke plume, bioaerosols, gases, laser-generated contaminants, and 23
dust. 24

(2) "Surgical smoke evacuation system" means equipment 25
designed to capture, filter, and eliminate surgical smoke at the 26
point of origin, before the smoke makes contact with the eyes or 27
respiratory tract of individuals. 28

(B) Not later than one year after the effective date of this 29
section, each hospital that offers surgical services shall adopt 30
and implement a policy designed to prevent human exposure to 31
surgical smoke during any planned surgical procedure that is 32
likely to generate surgical smoke. The policy shall include the 33
use of a surgical smoke evacuation system. 34

(C) The director of health may adopt any rules the director 35
considers necessary to implement this section. The rules shall be 36
adopted in accordance with Chapter 119. of the Revised Code." 37

The motion was _____ agreed to.

SYNOPSIS

Regulation of surgical smoke 38

R.C. 3702.3012 and 3727.25 39

Restores Executive provisions removed by the Senate 40
 substitute bill that require (1) ambulatory surgical facilities 41

and hospitals to adopt and implement policies designed to prevent 42
human exposure to surgical smoke during planned surgical 43
procedures and (2) each policy to include the use of a surgical 44
smoke evacuation system. 45

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 18 of the title, after "124.387," insert "124.41," 1

In line 638, after "124.387," insert "124.41," 2

After line 10683, insert: 3

"**Sec. 124.41.** No person shall be eligible to receive an 4
original appointment to a police department, as a police officer, 5
subject to the civil service laws of this state, unless the person 6
has reached the age of ~~twenty-one~~ eighteen and has, not more than 7
one hundred twenty days prior to the date of such appointment, 8
passed a physical examination, given by a licensed physician, a 9
physician assistant, a clinical nurse specialist, a certified 10
nurse practitioner, or a certified nurse-midwife, certifying that 11
the applicant is free of cardiovascular and pulmonary diseases, 12
and showing that the applicant meets the physical requirements 13
necessary to perform the duties of a police officer as established 14
by the civil service commission having jurisdiction over the 15
appointment. The appointing authority shall, prior to making any 16
such appointment, file with the Ohio police and fire pension fund 17
a copy of the report or findings of the licensed physician, 18
physician assistant, clinical nurse specialist, certified nurse 19
practitioner, or certified nurse-midwife. The professional fee for 20
such physical examination shall be paid by the civil service 21

commission. Except as otherwise provided in this section, no 22
 person is eligible to receive an original appointment when the 23
 person is thirty-five years of age or older, and no person can be 24
 declared disqualified as over age prior to that time. The maximum 25
 age limitation established by this section does not apply to a 26
 city in which an ordinance establishes a different maximum age 27
 limitation for an original appointment to the police department or 28
 to a civil service township in which a resolution adopted by the 29
 board of trustees of the township establishes a different maximum 30
 age limitation for an original appointment to the police 31
 department. 32

Nothing in this section shall prevent a municipal corporation 33
 or a civil service township from establishing a police cadet 34
 program and employing persons as police cadets at age eighteen for 35
 the purposes of training persons to become police officers. The 36
 board of trustees of a civil service township may establish by 37
 resolution such a cadet program. A person participating in a 38
 municipal or township police cadet program shall not be permitted 39
 to carry or use any firearm in the performance of the person's 40
 duties, except that the person may be taught the proper use of 41
 firearms as part of the person's training." 42

In line 108777, after "124.387," insert "124.41," 43

The motion was _____ agreed to.

SYNOPSIS

Police officer minimum hiring age 44

R.C. 124.41 45

Lowers the minimum age for a person to be eligible for an	46
original appointment as a police officer from 21 to 18 years old.	47

Sub. H.B. 33
L-135-0001-5
FUNCD1

_____ moved to amend as follows:

In line 282 of the title, after the semicolon insert "to
amend the version of section 4717.09 of the Revised Code that is
scheduled to take effect on December 31, 2024; to repeal the
versions of sections 4717.01, 4717.02, 4717.03, 4717.04, 4717.06,
4717.07, 4717.08, 4717.11, 4717.13, 4717.15, 4717.36, and 4717.41
of the Revised Code that are scheduled to take effect on December
31, 2024;"

In line 597 of the title, after the semicolon insert "to
amend Sections 2, 3, and 8 of H.B. 509 of the 134th General
Assembly;"

After line 112649, insert:

"Section 110.30. That the version of section 4717.09 of the
Revised Code that is scheduled to take effect December 31, 2024,
be amended to read as follows:

Sec. 4717.09. (A) Every two years, licensed embalmers and
funeral directors shall attend not less than twelve hours of
educational programs as a condition for renewal of their licenses.
The board of embalmers and funeral directors shall adopt rules
governing the administration and enforcement of the continuing

education requirements of this section. The board may contract 20
with a professional organization or association or other third 21
party to assist it in performing functions necessary to administer 22
and enforce the continuing education requirements of this section. 23
A professional organization or association or other third party 24
with whom the board so contracts may charge a reasonable fee for 25
performing these functions to licensees or to the persons who 26
provide continuing education programs. 27

(B) A person holding both an embalmer's license and a funeral 28
director's license need meet only the continuing education 29
requirements established by the board for one or the other of 30
those licenses in order to satisfy the requirement of division (A) 31
of this section. 32

(C) A person holding a courtesy card permit issued under 33
section 4717.10 of the Revised Code is not required to satisfy the 34
continuing education requirements specified in division (A) of 35
this section as a condition of renewal of the permit. 36

(D) A crematory operator shall maintain an active 37
certification from a ~~national~~ crematory operator certification 38
program ~~and register the certificate with the board~~ as a condition 39
for renewal of the permit. 40

(E) The board shall not renew the license of a licensee who 41
fails to meet the continuing education requirements of this 42
section and who has not been granted an exemption under division 43
(F) or (G) of this section. 44

(F) Any licensee who fails to meet the continuing education 45
requirements of this section because of undue hardship or 46
disability, or who is not actively engaged in the practice of 47
funeral directing or embalming in this state, may apply to the 48
board for an exemption. 49

(G) Any licensee who has been an embalmer or funeral director 50
 for not less than fifty years and who is not actively in charge 51
 and ultimately responsible for a funeral home or embalming 52
 facility in this state may apply to the board for an exemption 53
 from the continuing education requirements specified in division 54
 (A) of this section. 55

(H) The board shall not ~~authorize an individual to act as a~~ 56
renew the crematory operator, if the permit of an individual who 57
 fails to satisfy the certification requirement of division (D) of 58
 this section. 59

Section 110.31. That the existing version of section 4717.09 60
 of the Revised Code that is scheduled to take effect December 31, 61
 2024, is hereby repealed. 62

Section 110.32. Sections 110.30 and 110.31 of this act take 63
 effect December 31, 2024." 64

After line 112653, insert: 65

"**Section 125.10.** That the versions of sections 4717.01, 66
 4717.02, 4717.03, 4717.04, 4717.06, 4717.07, 4717.08, 4717.11, 67
 4717.13, 4717.15, 4717.36, and 4717.41 of the Revised Code that 68
 are scheduled to take effect December 31, 2024, are hereby 69
 repealed. 70

Section 125.11. That Sections 2, 3, and 8 of H.B. 509 of the 71
 134th General Assembly be amended to read as follows: 72

Sec. 2. That existing sections 109.572, 169.16, 1716.05, 73
 1716.08, 1716.99, 2925.01, 3310.41, 3319.22, 3701.74, 3737.881, 74
 3772.13, 3772.131, 3905.471, 3905.81, 4709.07, 4709.10, 4713.28, 75

4715.13, 4715.141, 4715.21, 4715.25, ~~4717.01, 4717.02, 4717.03,~~ 76
~~4717.04,~~ 4717.05, ~~4717.06, 4717.07, 4717.08,~~ 4717.09, ~~4717.11,~~ 77
~~4717.13, 4717.15, 4717.36, 4717.41,~~ 4723.01, 4723.07, 4723.08, 78
4723.091, 4723.092, 4723.114, 4723.18, 4723.181, 4723.35, 4723.48, 79
4723.481, 4723.50, 4723.72, 4723.73, 4723.75, 4723.79, 4725.01, 80
4725.011, 4725.02, 4725.07, 4725.09, 4725.091, 4725.092, 4725.12, 81
4725.13, 4725.15, 4725.16, 4725.18, 4725.19, 4725.20, 4725.24, 82
4725.27, 4725.34, 4725.35, 4725.40, 4725.41, 4725.44, 4725.48, 83
4725.49, 4725.50, 4725.51, 4725.52, 4725.53, 4725.63, 4725.66, 84
4725.67, 4729.01, 4729.12, 4729.15, 4731.16, 4731.17, 4731.19, 85
4732.01, 4732.02, 4732.05, 4732.09, 4732.10, 4732.11, 4732.12, 86
4732.13, 4732.14, 4732.141, 4732.142, 4732.17, 4732.171, 4732.173, 87
4732.18, 4732.19, 4732.20, 4732.21, 4732.22, 4732.221, 4732.24, 88
4732.31, 4732.33, 4734.211, 4735.27, 4741.17, 4743.09, 4749.03, 89
4751.01, 4751.10, 4751.101, 4751.102, 4751.20, 4751.23, 4751.24, 90
4751.32, 4751.33, 4751.40, 4751.41, 4751.45, 4753.06, 4753.071, 91
4753.12, 4755.01, 4755.062, 4757.02, 4757.22, 4757.27, 4757.301, 92
4757.33, 4757.41, 4758.20, 4758.26, 4758.51, 4765.10, 4765.11, 93
4765.15, 4765.16, 4765.17, 4765.18, 4765.22, 4765.23, 4765.24, 94
4765.29, 4765.30, 4765.31, 4765.49, 4765.50, 4765.55, 4769.01, 95
4779.03, 4779.10, 4779.11, 4779.12, 4779.13, 4779.17, 5126.22, 96
5126.25, and 5164.95 of the Revised Code are hereby repealed. 97

Sec. 3. That sections 3319.2212, ~~4717.051,~~ 4723.17, 4723.19, 98
4723.76, 4725.14, 4725.17, 4725.171, 4725.58, 4751.202, and 99
4779.18 of the Revised Code are hereby repealed. 100

Sec. 8. ~~(A) The repeal by this act of section 4717.051 of the~~ 101
~~Revised Code takes effect December 31, 2024.~~ 102

~~(B) The amendment by this act H.B. 509 of the 134th General~~ 103
~~Assembly of sections ~~4717.01, 4717.02, 4717.03, 4717.04, 4717.06,~~~~ 104

~~4717.07, 4717.08, section 4717.09, 4717.11, 4717.13, 4717.15,~~ 105
~~4717.36, and 4717.41~~ of the Revised Code takes effect December 31, 106
 2024. 107

Section 125.12. That existing Sections 2, 3, and 8 of H.B. 108
 509 of the 134th General Assembly are hereby repealed. 109

Section 125.13. Sections 125.11 and 125.12 of this act remove 110
 the limitations imposed on the continued existence of sections 111
 4717.01, 4717.02, 4717.03, 4717.04, 4717.051, 4717.06, 4717.07, 112
 4717.08, 4717.11, 4717.13, 4717.15, 4717.36, and 4717.41 of the 113
 Revised Code." 114

The motion was _____ agreed to.

SYNOPSIS

Crematory operator permits 115

R.C. 4717.01, 4717.02, 4717.03, 4717.04, 4717.06, 4717.07, 116
4717.08, 4717.09, 4717.11, 4717.13, 4717.15, 4717.36, and 4717.41; 117
Sections 2, 3, and 8 of H.B. 509 of the 134th General Assembly 118

Reinstates a House provision that reestablishes the 119
 requirement of a crematory operator permit, issued by the Board of 120
 Embalmers and Funeral Directors, to perform cremations. H.B. 509 121
 of the 134th General Assembly repeals the crematory operator 122
 permit, effective December 31, 2024. 123

_____ moved to amend as follows:

1 In line 227 of the title, after "4928.89," insert "4934.01,
2 4934.03, 4934.05, 4934.08, 4934.11,"

3 In line 792, after "4928.89," insert "4934.01, 4934.03,
4 4934.05, 4934.08, 4934.11,"

5 After line 83312, insert:

6 "Sec. 4934.01. As used in sections 4934.01 to 4934.11 of
7 the Revised Code:

8 (A) "Direct current fast charging station" means an
9 electric vehicle charging system capable of distributing
10 electricity at fifty kilowatts or more of direct current to an
11 electric vehicle's rechargeable battery at a voltage of two
12 hundred volts or more.

13 (B) "Electric distribution utility" has the same meaning as
14 in section 4928.01 of the Revised Code.

15 (C) "Electric vehicle" means a vehicle that is powered
16 wholly by a system that can be recharged via an external source
17 of electricity, including a vehicle for public or private use
18 that is a passenger car, commercial car or truck, a vehicle used
19 for public transit, a vehicle used in a vehicle fleet, a vehicle

20 used in construction work, and a vehicle used in industrial or
21 warehouse work.

22 (D) "Electric vehicle charging provider" means the owner or
23 operator of an electric vehicle charging station. "Electric
24 vehicle charging provider" excludes either of the following that
25 owns or operates an electric vehicle charging station:

26 (1) An electric distribution utility;

27 (2) An affiliate or subsidiary of an electric distribution
28 utility.

29 (E) "Electric vehicle charging station" means any
30 nonresidential electric vehicle charging system that is both of
31 the following:

32 (1) Capable of distributing electricity from a source
33 outside an electric vehicle to the electric vehicle;

34 (2) A direct current fast charging station or level two
35 charging station.

36 (F) "Level two charging station" means any electric vehicle
37 charging system capable of distributing electricity at a minimum
38 of three or a maximum of twenty kilowatts of alternating current
39 to an electric vehicle's rechargeable battery at a voltage of
40 two hundred volts or more.

41 (G) "Make-ready infrastructure" means electrical
42 infrastructure required to accommodate the electric load of an

43 electric vehicle charging station. "Make-ready infrastructure"
44 excludes an electric vehicle charging station.

45 **Sec. 4934.03.** (A) No electric distribution utility may own
46 or operate publicly available electric vehicle charging stations
47 except through a separate affiliate or subsidiary that is not
48 subject to public utilities commission jurisdiction.

49 (B) (1) No electric distribution utility may charge its
50 affiliate or subsidiary a subsidized rate, fee, or charge for
51 electric service distributed to the affiliate's or subsidiary's
52 publicly available electric vehicle charging stations.

53 (2) An electric distribution utility affiliate or
54 subsidiary that owns or operates an electric vehicle charging
55 station shall be subject to the same rates, terms, and
56 conditions that apply to electric vehicle charging providers
57 located in the electric distribution utility's certified
58 territory.

59 **Sec. 4934.05.** Revenues received by an electric distribution
60 utility for providing electric distribution service shall not,
61 directly or indirectly, subsidize investments in the ownership
62 or operation of electric vehicle charging stations.

63 **Sec. 4934.08.** Nothing in sections 4934.01 to 4934.11 of the
64 Revised Code prohibits an electric distribution utility from
65 recovering the costs of make-ready infrastructure through rates
66 or charges authorized under the electric distribution utility's

67 distribution rate case under section 4909.18 of the Revised
68 Code, so long as such subsidies for make-ready infrastructure
69 are offered to electric vehicle charging providers on a
70 nondiscriminatory basis.

71 Sec. 4934.11. Nothing in sections 4934.01 to 4934.11 of the
72 Revised Code shall be construed to prohibit an electric
73 distribution utility from operating, leasing, installing, or
74 otherwise procuring service from an electric vehicle charging
75 station on its own premises for the sole purpose of serving its
76 own electric vehicles."

77 The motion was _____ agreed to.

78 SYNOPSIS

79 **Electric Vehicle Charging Stations**

80 **R.C. 4934.01, 4934.03, 4934.05, 4934.08, and 4934.11**

81 Defines certain types of vehicles (listed in the bill) as
82 "electric vehicles" (EVs), if they are powered wholly by a
83 system that can be recharged via an external source of
84 electricity.

85 Defines an "electric vehicle charging station" as any
86 nonresidential electric vehicle charging system that is:

87 - Capable of distributing electricity from a source outside
88 an EV to the EV; and

89 - A "direct current fast charging station" (EV charging
90 system capable of distributing electricity at 50 kilowatts or
91 more of direct current to an EV's rechargeable battery at a
92 voltage of 200 volts or more) or a "Level Two charging station"
93 (EV charging system capable of distributing electricity at a

94 minimum of 3 or a maximum of 20 kilowatts of alternating current
95 to an EV's rechargeable battery at a voltage of 200 volts or
96 more).

97 Excludes an electric distribution utility (EDU), and an
98 affiliate or subsidiary of an EDU, that owns or operates an EV
99 charging station, from being classified as an "electric vehicle
100 charging provider" (owner or operator of an electric vehicle
101 charging station) for the purposes of the bill's EV charging
102 provisions.

103 Prohibits an EDU from:

104 - Owning or operating publicly available EV charging
105 stations except through a separate affiliate or subsidiary that
106 is not subject to Public Utilities Commission jurisdiction;

107 - Charging a subsidized rate, fee, or charge for electric
108 service distributed to the affiliate's or subsidiary's EV
109 charging stations;

110 - Directly or indirectly subsidizing investments in the
111 ownership or operation of EV charging stations with revenues
112 from providing electric distribution service.

113 Requires an EDU affiliate or subsidiary that owns or
114 operates an EV charging station to be subject to the same rates,
115 terms, and conditions that apply to EV charging providers in the
116 EDU's service territory.

117 Allows an EDU to recover the costs of make-ready
118 infrastructure (electrical infrastructure required to
119 accommodate the EV charging station's electrical load) through
120 the EDU's rates and charges so long as the subsidy is offered to
121 EV charging providers on a nondiscriminatory basis.

122 Permits an EDU to use an EV charging station on its own
123 premises for the sole purpose of serving its own EVs.

_____ moved to amend as follows:

1 In line 214 of the title, after "1349.09," insert
2 "1501.014,"

3 In line 782, after "1349.09," insert "1501.014,"

4 After line 27823, insert:

5 "Sec. 1501.014. (A) As used in this section, "highest
6 appraised value" means the highest appraised value of the
7 property as appraised by a person regularly engaged in the
8 business of conducting property appraisals.

9 (B) Notwithstanding any provision of law to the contrary,
10 the director of natural resources and any chief of a division
11 within the department of natural resources shall not purchase
12 real property in accordance with any lawfully granted authority
13 if the purchase price both exceeds twenty-five per cent of the
14 real property's highest appraised value and is more than one
15 million dollars unless the controlling board, in accordance with
16 division (C) of this section, approves that purchase.

17 (C) For purposes of approving a real property purchase
18 under division (B) of this section, the controlling board shall
19 do all of the following:

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

- In line 222810, delete "\$145,000,000" and insert "\$120,000,000" 1
2
- In line 222830, subtract \$25,000,000 from fiscal year 2024 3
- In line 222876, subtract \$25,000,000 from fiscal year 2024 4
- In line 228483, delete "\$25,000,000" and insert "\$50,000,000" 5
- In line 228491, add \$25,000,000 to fiscal year 2024 6
- In line 228509, add \$25,000,000 to fiscal year 2024 7

The motion was _____ agreed to.

SYNOPSIS

- Department of Development** 8
- Section 259.10** 9
- Decreases Fund 5CV3 ALI 1956A1, Water and Sewer Quality Program, by \$25,000,000 in FY 2024. 10
11
- Department of Mental Health and Addiction Services** 12
- Section 337.10** 13

Increases Fund 5CV3 ALI 336648, ARPA Pediatric Behavioral	14
Health, by \$25,000,000 in FY 2024.	15

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

- In line 13 of the title, after "122.40," insert "122.407," 1
- In line 635, after "122.40," insert "122.407," 2
- After line 7893, insert: 3
- "(E) "Extremely high cost per location threshold area" means 4
- an area in which the cost to build high speed internet 5
- infrastructure exceeds the extremely high cost per location 6
- threshold established by the broadband expansion program authority 7
- under section 122.407 of the Revised Code." 8
- In line 7894, delete "(E)" and insert "(F)" 9
- In line 7899, delete "(F)" and insert "(G)" 10
- In line 7910, delete "(G)" and insert "(H)" 11
- In line 7913, delete "(H)" and insert "(I)" 12
- In line 7916, delete "(I)" and insert "(J)" 13
- In line 7918, delete "(J)" and insert "(K)" 14
- In line 7920, delete "(K)" and insert "(L)" 15
- In line 7926, delete "(L)" and insert "(M)" 16
- In line 7930, after the period insert ""Tier two broadband 17
- service" may include, in an extremely high cost per location 18
- threshold area, fixed wireless broadband service." 19

In line 7931, delete " <u>(M)</u> " and insert " <u>(N)</u> "	20
In line 7939, delete " <u>(N)</u> " and insert " <u>(O)</u> "	21
After line 7944, insert:	22
" Sec. 122.407. The broadband expansion program authority	23
shall do the following:	24
(A) Continually examine, and propose updates to, any	25
broadband plan provided by law enacted by the general assembly or	26
executive order issued by the governor;	27
(B) Monitor the Ohio residential broadband expansion grant	28
program, including by doing the following:	29
(1) Tracking the details for annual applications to the	30
program, including:	31
(a) The number of applications;	32
(b) The geographic locations of the eligible projects listed	33
in the applications;	34
(c) The broadband providers submitting applications;	35
(d) A description of the tier two broadband infrastructure	36
and technology proposed in applications;	37
(e) A description of any public right-of-way or public	38
facilities to be utilized for the projects;	39
(f) The speeds of the tier two broadband services under the	40
projects;	41
(g) The amount of the grant funds requested for each project	42
and the proportion of project funding to be provided by the	43
broadband provider and by other entities;	44
(h) The number of residential and nonresidential locations	45

that will have access to tier two broadband service under each project. 46
47

(2) Tracking the program grants awarded annually, including: 48

(a) The number of program grants; 49

(b) The geographic location or locations of the projects; 50

(c) The broadband providers that received program grants and the entities or companies that submitted the application; 51
52

(d) A description of the tier two broadband infrastructure and technology deployed in each project; 53
54

(e) A description of any public right-of-way or public facilities utilized as part of the project; 55
56

(f) The speeds of the tier two broadband services enabled by each project; 57
58

(g) The amounts of each program grant, the share of the project funding provided by the broadband provider, and any share of the project funding provided by other entities; 59
60
61

(h) The number of residential and nonresidential locations that will have access to tier two broadband service for each project. 62
63
64

(3) Listing the amount of any unencumbered program grant funds that remain available for award under the Ohio residential broadband expansion grant program; 65
66
67

(4) Adding any additional factors deemed necessary by the authority to monitor the program. 68
69

(C) Review all progress reports and operational reports required under section 122.4070 of the Revised Code. 70
71

(D) Review all pending county requests made pursuant to 72

section 122.4051 of the Revised Code for program grants.	73
(E) Identify any best practices for, and impediments to, the continued expansion of tier two broadband infrastructure and technology in the state;	74 75 76
(F) Coordinate and promote the availability of publicly accessible digital literacy programs to increase fluency in the use and security of interactive digital tools and searchable networks, including the ability to use digital tools safely and effectively for learning, collaborating, and producing;	77 78 79 80 81
(G) Identify, examine, and report on any federal or state government grant or loan program that would promote the deployment of tier two broadband infrastructure and technology in the state;	82 83 84
(H) Track the availability, location, rates and speeds, and adoption of programs that offer tier one broadband service and tier two broadband service in an affordable manner to low-income consumers in this state;	85 86 87 88
<u>(I) Establish the extremely high cost per location threshold for the costs of building high speed internet infrastructure in any specific area, above which wireline broadband service has an extremely high cost in comparison to fixed wireless broadband service.</u>	89 90 91 92 93
In line 8287, delete " <u>(K)</u> " and insert " <u>(J)</u> "	94
In line 8381, delete " <u>(E)</u> " and insert " <u>(E)(1)</u> "	95
In line 8383, delete " <u>the following</u> " and insert " <u>divisions (E)(1)(a) and (b) of this section as follows</u> "	96 97
Delete lines 8384 through 8387	98
After line 8387, insert:	99
<u>"(a) Of a possible maximum of seventy-five points, the number</u>	100

<u>of points equal to the application's grant cost percentile</u>	101
<u>multiplied by seventy-five;"</u>	102
In line 8388, delete " <u>(2) The</u> " and insert " <u>(b) Of a possible</u>	103
<u>maximum score of seventy-five points, the</u> "	104
After line 8391, insert:	105
<u>"(2)(a) For each application submission period, the broadband</u>	106
<u>expansion program authority shall determine the grant cost</u>	107
<u>percentile for each application submitted during that period. The</u>	108
<u>authority shall determine the grant cost percentile by doing the</u>	109
<u>following:</u>	110
<u>(i) Determining, for each individual application in the</u>	111
<u>state, the total grant cost per eligible address in the</u>	112
<u>application by calculating the quotient of the amount of program</u>	113
<u>grant funds requested for the application divided by the number of</u>	114
<u>eligible addresses in the application;</u>	115
<u>(ii) Ranking, from lowest to highest cost, all individual</u>	116
<u>applications by total grant cost per eligible address;</u>	117
<u>(iii) Assigning each individual application a percentile</u>	118
<u>based on its total grant cost per eligible address relative to all</u>	119
<u>other applications' total grant cost per eligible address.</u>	120
<u>(b) Percentiles under division (E)(2)(a)(iii) of this section</u>	121
<u>shall be assigned so that the highest percentile is assigned to</u>	122
<u>the application with the lowest total grant cost per eligible</u>	123
<u>address and percentiles for all other applications assigned based</u>	124
<u>on each application's relative grant cost per eligible address."</u>	125
In line 8393, after " <u>for</u> " insert " <u>providing tier two</u> "; delete	126
<u>"coverage of unserved and underserved"</u>	127
Delete line 8394	128

In line 8395, delete " <u>areas,</u> " and insert " <u>or greater to</u>	129
<u>eligible addresses located in an eligible project</u> "; delete " <u>equal</u>	130
<u>to one point for each percentage point of</u> "	131
Delete lines 8396 and 8397	132
In line 8398, delete " <u>other applications</u> " and insert	133
" <u>calculated as follows:</u> "	134
<u>(1) Ten points for the number of eligible addresses equal to</u>	135
<u>five hundred or more, but less than one thousand;</u>	136
<u>(2) Twenty points for the number of eligible addresses equal</u>	137
<u>to one thousand or more, but less than one thousand five hundred;</u>	138
<u>(3) Thirty points for the number of eligible addresses equal</u>	139
<u>to one thousand five hundred or more, but less than two thousand;</u>	140
<u>(4) Forty points for the number of eligible addresses equal</u>	141
<u>to two thousand or more, but less than two thousand five hundred;</u>	142
<u>(5) Fifty points for the number of eligible addresses equal</u>	143
<u>to two thousand five hundred or more, but less than three</u>	144
<u>thousand;</u>	145
<u>(6) Sixty points for the number of eligible addresses equal</u>	146
<u>to three thousand or more, but less than three thousand five</u>	147
<u>hundred;</u>	148
<u>(7) Seventy points for the number of eligible addresses equal</u>	149
<u>to three thousand five hundred or more, but less than four</u>	150
<u>thousand;</u>	151
<u>(8) Eighty points for the number of eligible addresses equal</u>	152
<u>to four thousand or more, but less than four thousand five</u>	153
<u>hundred;</u>	154
<u>(9) Ninety points for the number of eligible addresses equal</u>	155
<u>to four thousand five hundred or more, but less than five</u>	156

<u>thousand;</u>	157
<u>(10) One hundred points for the number of eligible addresses</u>	158
<u>equal to five thousand or more"</u>	159
In line 8406, delete " <u>and the application includes</u>	160
<u>resolutions of support from"</u>	161
In line 8407, delete " <u>more than one board of county</u>	162
<u>commissioners</u> "; after the underlined comma insert " <u>of a possible</u>	163
<u>maximum score of"</u>	164
In line 8408, delete " <u>awarded</u> "; delete " <u>those</u> "; after	165
" <u>resolutions</u> " insert " <u>adopted by boards of county commissioners,</u>	166
<u>the number of points awarded"</u>	167
In line 8410, after " <u>county</u> " insert " <u>for which the board of</u>	168
<u>county commissioners adopted a resolution of support"</u>	169
In line 8415, delete " <u>and the</u> "	170
Delete line 8416	171
In line 8417, delete " <u>of township trustees, village, or</u>	172
<u>municipal corporation</u> "; after the underlined comma insert " <u>of a</u>	173
<u>possible maximum score of"</u>	174
In line 8418, delete " <u>awarded</u> "; delete " <u>those</u> "; after	175
" <u>letters</u> " insert " <u>from boards of township trustees, villages, or</u>	176
<u>municipal corporations, the number of points awarded"</u>	177
In line 8420, after " <u>affected</u> " insert " <u>village, municipal</u>	178
<u>corporation, and unincorporated area of the township for which a</u> ;	179
delete " <u>and</u> " and insert " <u>or</u> "	180
In line 8421, after " <u>corporation</u> " insert " <u>submitted a letter</u>	181
<u>of support"</u>	182
In line 8426, delete " <u>fifty</u> " and insert " <u>seventy-five</u> "	183

In line 8427, after " <u>provider</u> " insert " <u>general</u> "; delete the	184
first underlined comma and insert " <u>and</u> "; delete the second	185
underlined comma	186
In line 8431, delete " <u>fifty</u> " and insert " <u>seventy-five</u> "	187
In line 8435, delete " <u>five or more</u> " and insert " <u>four</u> "; delete	188
" <u>ten</u> " and insert " <u>five</u> "	189
In line 8437, delete " <u>Twenty-five</u> " and insert " <u>Twenty</u> ";	190
delete " <u>ten or more</u> " and insert " <u>five</u> "	191
In line 8438, delete " <u>twenty</u> " and insert " <u>six</u> "	192
In line 8439, delete " <u>Fifty</u> " and insert " <u>Thirty</u> "; delete	193
" <u>more than twenty</u> " and insert " <u>six years, but less than seven;</u>	194
<u>(4) Forty points for seven years, but less than eight years</u>	195
<u>of experience;</u>	196
<u>(5) Fifty points for eight years, but less than nine years of</u>	197
<u>experience;</u>	198
<u>(6) Sixty points for nine years, but less than ten years of</u>	199
<u>experience;</u>	200
<u>(7) Seventy-five points for ten or more years of experience"</u>	201
In line 8464, delete " <u>average of the county median</u> "	202
In line 8465, delete " <u>incomes for the counties in which</u> " and	203
insert " <u>percentage of eligible addresses for</u> "; delete " <u>is located</u> "	204
and insert " <u>in each affected county</u> "	205
Delete lines 8466 through 8469	206
In line 108773, after "122.40," insert "122.407,"	207

The motion was _____ agreed to.

SYNOPSIS

Ohio Residential Broadband Expansion Grant Program scoring	208
R.C. 122.40, 122.407, and 122.4041	209
Modifies the Ohio Residential Broadband Expansion Grant	210
(ORBEG) Program definitions by (1) defining "extremely high cost	211
per location threshold area" as an area in which the cost to build	212
high speed internet infrastructure exceeds the extremely high cost	213
per location threshold established by the Broadband Expansion	214
Program Authority and (2) changing the definition of "tier two	215
broadband service" to permit the inclusion of fixed wireless	216
broadband service as tier two broadband service, if such wireless	217
service is located in an extremely high cost per location	218
threshold area.	219
Includes among the Authority's duties the requirement to	220
establish the extremely high cost per location threshold for the	221
costs of building high speed internet infrastructure in any	222
specific area, above which wireline broadband service has an	223
extremely high cost in comparison to fixed wireless broadband	224
service.	225
Modifies the ORBEG Program scoring rubric in the bill for	226
several scoring factors.	227
Increases, from 50 to 75 points, the maximum possible scores	228
for both of the following: (1) the broadband provider's years of	229
experience providing broadband service and (2) the provider's	230
general experience and technical and financial ability.	231
Removes from the scoring rubric, the maximum 50 points score	232
for the extent to which program grants are necessary to deploy	233
broadband service for the eligible project.	234

_____ moved to amend as follows:

1 In line 230244, delete "\$7,750,000 \$5,700,000" and insert
2 "\$7,900,000 \$5,950,000"

3 In line 230269, add \$150,000 to fiscal year 2024 and
4 \$250,000 to fiscal year 2025

5 In line 230295, add \$150,000 to fiscal year 2024 and
6 \$250,000 to fiscal year 2025

7 After line 231318, insert:

8 "(I) Of the foregoing appropriation item, 235533, Program
9 and Project Support, up to \$150,000 in fiscal year 2024 and up
10 to \$250,000 in fiscal year 2025 shall be used to support The
11 Ohio State University East Side Dental Clinic."

12 The motion was _____ agreed to.

13 SYNOPSIS

14 **Department of Higher Education**

15 **Sections 381.10 and 381.410**

16 Increases GRF ALI 235533, Program and Project Support, by
17 \$150,000 in FY 2024 and \$250,000 in FY 2025 and earmarks the
18 increase for The Ohio State University East Side Dental Clinic.

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 51 of the title, after "1761.16," insert "1901.261,
1907.261," 1
2

In line 54 of the title, after "2151.423," insert "2303.081,
2303.201," 3
4

In line 214 of the title, after "1546.32," insert "1901.313,
1907.202," 5
6

In line 663, after "1761.16," insert "1901.261, 1907.261," 7

In line 665, after "2151.423," insert "2303.081, 2303.201," 8

In line 782, after "1546.32," insert "1901.313, 1907.202," 9

After line 30255, insert: 10

"**Sec. 1901.261.** (A)(1) A municipal court may determine that 11
for the efficient operation of the court additional funds are 12
required to computerize the court, to make available computerized 13
legal research services, or to do both. Upon making a 14
determination that additional funds are required for either or 15
both of those purposes, the court shall include in its schedule of 16
fees and costs under section 1901.26 of the Revised Code one 17
additional fee not to exceed three dollars on the filing of each 18
cause of action or appeal equivalent to one described in division 19
(A), (Q), or (U) of section 2303.20 of the Revised Code and shall 20

direct the clerk of the court to charge the fee. 21

(2) All fees collected under this section shall be paid on or 22
before the twentieth day of the month following the month in which 23
they are collected to the county treasurer if the court is a 24
county-operated municipal court or to the city treasurer if the 25
court is not a county-operated municipal court. The treasurer 26
shall place the funds from the fees in a separate fund to be 27
disbursed upon an order of the court, subject to an appropriation 28
by the board of county commissioners if the court is a 29
county-operated municipal court or by the legislative authority of 30
the municipal corporation if the court is not a county-operated 31
municipal court, or upon an order of the court, subject to the 32
court making an annual report available to the public listing the 33
use of all such funds, in an amount not greater than the actual 34
cost to the court of computerizing the court, procuring and 35
maintaining computerized legal research services, or both. 36

(3) If the court determines that the funds in the fund 37
described in division (A)(2) of this section are more than 38
sufficient to satisfy the purpose for which the additional fee 39
described in division (A)(1) of this section was imposed, the 40
court may declare a surplus in the fund and, subject to an 41
appropriation by the board of county commissioners if the court is 42
a county-operated municipal court or by the legislative authority 43
of the municipal corporation if the court is not a county-operated 44
municipal court, expend those surplus funds, or upon an order of 45
the court, subject to the court making an annual report available 46
to the public listing the use of all such funds, expend those 47
surplus funds, for other appropriate technological expenses of the 48
court. 49

~~(B)(1) A(B)(1)(a) Except as provided in division (B)(1)(b) of~~ 50
this section, the clerk of a municipal court may determine that, 51

for the efficient operation of the office of the clerk of the 52
municipal court, additional funds are required to computerize the 53
office of the clerk of the court and, upon that determination, may 54
~~include in its schedule of fees and costs under section 1901.26 of~~ 55
~~the Revised Code an additional~~ authorize and direct that a 56
computerization fee not to exceed ~~ten~~ twenty-five dollars be 57
charged on the filing of each cause of action or appeal, on the 58
filing, docketing, and endorsing of each certificate of judgment, 59
or on the docketing and indexing of each aid in execution or 60
petition to vacate, revive, or modify a judgment that is 61
equivalent to one described in division (A), (P), (Q), (T), or (U) 62
of section 2303.20 of the Revised Code. 63

(b) In a county in which the clerk of the municipal court is 64
appointed, the municipal court may make the determination 65
described in division (B)(1)(a) of this section and, upon that 66
determination, may include such a computerization fee in its 67
schedule of fees and costs under section 1901.26 of the Revised 68
Code. 69

(2) Subject to division (B)~~(2)~~(3) of this section, all moneys 70
collected under division ~~(B)(1)~~(B)(1)(a) of this section shall be 71
paid on or before the twentieth day of the month following the 72
month in which they are collected to the county treasurer if the 73
court is a county-operated municipal court or to the city 74
treasurer if the court is not a county-operated municipal court. 75
The treasurer shall place the funds from the fees in a separate 76
fund to be disbursed, ~~upon an order of the municipal court and~~ 77
subject to an appropriation made by the board of county 78
commissioners if the court is a county-operated municipal court or 79
by the legislative authority of the municipal corporation if the 80
court is not a county-operated municipal court, in an amount no 81
greater than the actual cost to the court of procuring and 82

maintaining computer systems for the office of the clerk of the 83
municipal court. 84

~~(2)(3)~~ If a municipal court or the clerk of a municipal court 85
makes the determination described in division ~~(B)(1)~~(B)(1)(a) of 86
this section, the board of county commissioners of the county if 87
the court is a county-operated municipal court or the legislative 88
authority of the municipal corporation if the court is not a 89
county-operated municipal court, may issue one or more general 90
obligation bonds for the purpose of procuring and maintaining the 91
computer systems for the office of the clerk of the municipal 92
court. In addition to the purposes stated in division 93
~~(B)(1)~~(B)(1)(a) of this section for which the moneys collected 94
under that division may be expended, the moneys additionally may 95
be expended to pay debt charges and financing costs related to any 96
general obligation bonds issued pursuant to division ~~(B)(2)~~(B)(3) 97
of this section as they become due. General obligation bonds 98
issued pursuant to division ~~(B)(2)~~(B)(3) of this section are 99
Chapter 133. securities. 100

Sec. 1901.313. (A) Pleadings or documents may be filed with 101
the clerk of court either in paper format or in electronic format. 102

(B)(1) The clerk shall determine whether the filing of 103
pleadings or documents in electronic format may be accomplished 104
either by electronic mail or through the use of an online 105
platform. 106

(2) The fee for filing pleadings or documents in electronic 107
format may be paid after the filing. The clerk shall not require 108
that any fee for the filing of pleadings or documents in 109
electronic format be paid before the filing, unless the clerk has 110
provided for an electronic payment system for such filing. 111

(3) The clerk shall not require a fee for the filing of pleadings or documents in electronic format that is greater than the applicable fee for the filing of pleadings or documents in paper format. 112
113
114
115

(C) Pleadings and documents filed in paper format may be converted to an electronic format. Documents created by the clerk of court in the exercise of the clerk's duties may be created in an electronic format. 116
117
118
119

(D) When pleadings or documents are received or created in, or converted to, an electronic format as provided in this section, the pleadings or documents in that format shall be considered the official version of the record. 120
121
122
123

Sec. 1907.202. (A) Pleadings or documents may be filed with the clerk of the county court either in paper format or in electronic format. 124
125
126

(B)(1) The clerk shall determine whether the filing of pleadings or documents in electronic format may be accomplished either by electronic mail or through the use of an online platform. 127
128
129
130

(2) The fee for filing pleadings or documents in electronic format may be paid after the filing. The clerk shall not require that any fee for the filing of pleadings or documents in electronic format be paid before the filing, unless the clerk has provided for an electronic payment system for such filing. 131
132
133
134
135

(3) The clerk shall not require a fee for the filing of pleadings or documents in electronic format that is greater than the applicable fee for the filing of pleadings or documents in paper format. 136
137
138
139

(C) Pleadings and documents filed in paper format may be 140
converted to an electronic format. Documents created by the clerk 141
of the county court in the exercise of the clerk's duties may be 142
created in an electronic format. 143

(D) When pleadings or documents are received or created in, 144
or converted to, an electronic format as provided in this section, 145
the pleadings or documents in that format shall be considered the 146
official version of the record. 147

Sec. 1907.261. (A)(1) A county court may determine that for 148
the efficient operation of the court additional funds are required 149
to computerize the court, to make available computerized legal 150
research services, or to do both. Upon making a determination that 151
additional funds are required for either or both of those 152
purposes, the court shall include in its schedule of fees and 153
costs under section 1907.24 of the Revised Code one additional fee 154
not to exceed three dollars on the filing of each cause of action 155
or appeal equivalent to one described in division (A), (Q), or (U) 156
of section 2303.20 of the Revised Code and shall direct the clerk 157
of the court to charge the fee. 158

(2) All fees collected under this section shall be paid on or 159
before the twentieth day of the month following the month in which 160
they are collected to the county treasurer. The treasurer shall 161
place the funds from the fees in a separate fund to be disbursed 162
either upon an order of the court, subject to an appropriation by 163
the board of county commissioners, or upon an order of the court, 164
subject to the court making an annual report available to the 165
public listing the use of all such funds, in an amount not greater 166
than the actual cost to the court of computerizing the court, 167
procuring and maintaining computerized legal research services, or 168
both. 169

(3) If the court determines that the funds in the fund 170
described in division (A)(2) of this section are more than 171
sufficient to satisfy the purpose for which the additional fee 172
described in division (A)(1) of this section was imposed, the 173
court may declare a surplus in the fund and, subject to an 174
appropriation by the board of county commissioners, expend those 175
surplus funds, or upon an order of the court, subject to the court 176
making an annual report available to the public listing the use of 177
all such funds, expend those surplus funds, for other appropriate 178
technological expenses of the court. 179

~~(B)(1)~~ A(B)(1)(a) Except as provided in division (B)(1)(b) of 180
this section, the clerk of a county court may determine that, for 181
the efficient operation of the office of the clerk of the court, 182
additional funds are required to computerize the office of the 183
clerk of the court and, upon that determination, may ~~include in~~ 184
~~its schedule of fees and costs under section 1907.24 of the~~ 185
~~Revised Code an additional~~ authorize and direct that a 186
computerization fee not to exceed ~~ten~~ twenty-five dollars be 187
charged on the filing of each cause of action or appeal, on the 188
filing, docketing, and endorsing of each certificate of judgment, 189
or on the docketing and indexing of each aid in execution or 190
petition to vacate, revive, or modify a judgment that is 191
equivalent to one described in division (A), (P), (Q), (T), or (U) 192
of section 2303.20 of the Revised Code. 193

(b) In a county in which the clerk of the county court is 194
appointed, the county court may make the determination described 195
in division (B)(1)(a) of this section and, upon that 196
determination, may include such a computerization fee in its 197
schedule of fees and costs under section 1907.24 of the Revised 198
Code. 199

(2) Subject to division ~~(B)(2)~~(B)(3) of this section, all 200
 moneys collected under division (B)(1) of this section shall be 201
 paid on or before the twentieth day of the month following the 202
 month in which they are collected to the county treasurer. The 203
 treasurer shall place the funds from the fees in a separate fund 204
 to be disbursed, ~~upon an order of the county court and~~ subject to 205
 an appropriation made by the board of county commissioners, in an 206
 amount no greater than the actual cost to the court of procuring 207
 and maintaining computer systems for the office of the clerk of 208
 the county court. 209

~~(2)(3)~~ If a county court or the clerk of a county court makes 210
 the determination described in division ~~(B)(1)~~(B)(1)(a) of this 211
 section, the board of county commissioners of that county may 212
 issue one or more general obligation bonds for the purpose of 213
 procuring and maintaining the computer systems for the office of 214
 the clerk of the county court. In addition to the purposes stated 215
 in division ~~(B)(1)~~(B)(1)(a) of this section for which the moneys 216
 collected under that division may be expended, the moneys 217
 additionally may be expended to pay debt charges and financing 218
 costs related to any general obligation bonds issued pursuant to 219
 division ~~(B)(2)~~(B)(3) of this section as they become due. General 220
 obligation bonds issued pursuant to division ~~(B)(2)~~(B)(3) of this 221
 section are Chapter 133. securities." 222

After line 31460, insert: 223

"**Sec. 2303.081.** (A) Pleadings or documents may be filed with 224
 the clerk of court either in paper format or in electronic format. 225

(B)(1) The clerk shall determine whether the filing of 226
 pleadings or documents in electronic format may be accomplished 227
 either by electronic mail or through the use of an online 228

<u>platform.</u>	229
<u>(2) The fee for filing pleadings or documents in electronic format may be paid after the filing. The clerk shall not require that any fee for the filing of pleadings or documents in electronic format be paid before the filing, unless the clerk has provided for an electronic payment system for such filing.</u>	230 231 232 233 234
<u>(3) The clerk shall not require a fee for the filing of pleadings or documents in electronic format that is greater than the applicable fee for the filing of pleadings or documents in paper format.</u>	235 236 237 238
<u>(4) Divisions (B)(1), (2), and (3) of this section do not apply to the filing of pleadings or documents in a probate court or juvenile court.</u>	239 240 241
<u>(C) Pleadings and documents filed in paper format may be converted to an electronic format. Documents created by the clerk of court in the exercise of the clerk's duties may be created in an electronic format.</u>	242 243 244 245
<u>(B)(D) When pleadings or documents are received or created in, or converted to, an electronic format as provided in division (A) of this section, the pleadings or documents in that format shall be considered the official version of the record."</u>	246 247 248 249
Sec. 2303.201. (A)(1) The court of common pleas of any county may determine that for the efficient operation of the court additional funds are required to computerize the court, to make available computerized legal research services, or to do both. Upon making a determination that additional funds are required for either or both of those purposes, the court shall authorize and direct the clerk of the court of common pleas to charge one additional fee, not to exceed six dollars, on the filing of each	250 251 252 253 254 255 256 257

cause of action or appeal under divisions (A), (Q), and (U) of 258
 section 2303.20 of the Revised Code. 259

(2) All fees collected under division (A)(1) of this section 260
 shall be paid to the county treasurer. The treasurer shall place 261
 the funds from the fees in a separate fund to be disbursed either 262
 upon an order of the court, subject to an appropriation by the 263
 board of county commissioners, or upon an order of the court, 264
 subject to the court making an annual report available to the 265
 public listing the use of all such funds, in an amount not greater 266
 than the actual cost to the court of procuring and maintaining 267
 computerization of the court, computerized legal research 268
 services, or both. 269

(3) If the court determines that the funds in the fund 270
 described in division (A)(2) of this section are more than 271
 sufficient to satisfy the purpose for which the additional fee 272
 described in division (A)(1) of this section was imposed, the 273
 court may declare a surplus in the fund and, subject to an 274
 appropriation by the board of county commissioners, expend those 275
 surplus funds, or upon an order of the court, subject to the court 276
 making an annual report available to the public listing the use of 277
 all such funds, expend those surplus funds, for other appropriate 278
 technological expenses of the court. 279

(B)(1) The clerk of the court of common pleas of any county 280
 may determine that, for the efficient operation of the office of 281
the clerk of the court of common pleas, additional funds are 282
 required to make technological advances in or to computerize the 283
 office of the clerk of the court of common pleas and, upon that 284
 determination, authorize and direct ~~the clerk of the court of~~ 285
~~common pleas to charge that~~ an additional fee, not to exceed 286
~~twenty~~ twenty-five dollars, on the filing of each cause of action 287
 or appeal, on the filing, docketing, and endorsing of each 288

certificate of judgment, or on the docketing and indexing of each 289
aid in execution or petition to vacate, revive, or modify a 290
judgment under divisions (A), (P), (Q), (T), and (U) of section 291
2303.20 of the Revised Code and not to exceed one dollar each for 292
the services described in divisions (B), (C), (D), (F), (H), and 293
(L) of section 2303.20 of the Revised Code, be charged. Subject to 294
division (B)(2) of this section, all moneys collected under 295
division (B)(1) of this section shall be paid to the county 296
treasurer to be disbursed, ~~upon an order of the court of common~~ 297
~~pleas and~~ subject to an appropriation made by the board of county 298
commissioners, in an amount no greater than the actual cost to the 299
court of procuring and maintaining technology and computer systems 300
for the office of the clerk of the court of common pleas. 301

(2) If the clerk of the court of common pleas of a county 302
makes the determination described in division (B)(1) of this 303
section, the board of county commissioners of that county may 304
issue one or more general obligation bonds for the purpose of 305
procuring and maintaining the technology and computer systems for 306
the office of the clerk of the court of common pleas. In addition 307
to the purposes stated in division (B)(1) of this section for 308
which the moneys collected under that division may be expended, 309
the moneys additionally may be expended to pay debt charges on and 310
financing costs related to any general obligation bonds issued 311
pursuant to division (B)(2) of this section as they become due. 312
General obligation bonds issued pursuant to division (B)(2) of 313
this section are Chapter 133. securities. 314

(C) The court of common pleas shall collect the sum of 315
twenty-six dollars as additional filing fees in each new civil 316
action or proceeding for the charitable public purpose of 317
providing financial assistance to legal aid societies that operate 318
within the state and to support the office of the state public 319

defender. This division does not apply to a juvenile division of a 320
court of common pleas, except that an additional filing fee of 321
fifteen dollars shall apply to custody, visitation, and parentage 322
actions; to a probate division of a court of common pleas, except 323
that the additional filing fees shall apply to name change, 324
guardianship, adoption, and decedents' estate proceedings; or to 325
an execution on a judgment, proceeding in aid of execution, or 326
other post-judgment proceeding arising out of a civil action. The 327
filing fees required to be collected under this division shall be 328
in addition to any other filing fees imposed in the action or 329
proceeding and shall be collected at the time of the filing of the 330
action or proceeding. The court shall not waive the payment of the 331
additional filing fees in a new civil action or proceeding unless 332
the court waives the advanced payment of all filing fees in the 333
action or proceeding. All such moneys collected during a month 334
except for an amount equal to up to one per cent of those moneys 335
retained to cover administrative costs shall be transmitted on or 336
before the twentieth day of the following month by the clerk of 337
the court to the treasurer of state in a manner prescribed by the 338
treasurer of state or by the Ohio access to justice foundation. 339
The treasurer of state shall deposit four per cent of the funds 340
collected under this division to the credit of the civil case 341
filing fee fund established under section 120.07 of the Revised 342
Code and ninety-six per cent of the funds collected under this 343
division to the credit of the legal aid fund established under 344
section 120.52 of the Revised Code. 345

The court may retain up to one per cent of the moneys it 346
collects under this division to cover administrative costs, 347
including the hiring of any additional personnel necessary to 348
implement this division. If the court fails to transmit to the 349
treasurer of state the moneys the court collects under this 350

division in a manner prescribed by the treasurer of state or by 351
the Ohio access to justice foundation, the court shall forfeit the 352
moneys the court retains under this division to cover 353
administrative costs, including the hiring of any additional 354
personnel necessary to implement this division, and shall transmit 355
to the treasurer of state all moneys collected under this 356
division, including the forfeited amount retained for 357
administrative costs, for deposit in the legal aid fund. 358

(D) On and after the thirtieth day after December 9, 1994, 359
the court of common pleas shall collect the sum of thirty-two 360
dollars as additional filing fees in each new action or proceeding 361
for annulment, divorce, or dissolution of marriage for the purpose 362
of funding shelters for victims of domestic violence pursuant to 363
sections 3113.35 to 3113.39 of the Revised Code. The filing fees 364
required to be collected under this division shall be in addition 365
to any other filing fees imposed in the action or proceeding and 366
shall be collected at the time of the filing of the action or 367
proceeding. The court shall not waive the payment of the 368
additional filing fees in a new action or proceeding for 369
annulment, divorce, or dissolution of marriage unless the court 370
waives the advanced payment of all filing fees in the action or 371
proceeding. On or before the twentieth day of each month, all 372
moneys collected during the immediately preceding month pursuant 373
to this division shall be deposited by the clerk of the court into 374
the county treasury in the special fund used for deposit of 375
additional marriage license fees as described in section 3113.34 376
of the Revised Code. Upon their deposit into the fund, the moneys 377
shall be retained in the fund and expended only as described in 378
section 3113.34 of the Revised Code. 379

(E)(1) The court of common pleas may determine that, for the 380
efficient operation of the court, additional funds are necessary 381

to acquire and pay for special projects of the court, including, 382
but not limited to, the acquisition of additional facilities or 383
the rehabilitation of existing facilities, the acquisition of 384
equipment, the hiring and training of staff, community service 385
programs, mediation or dispute resolution services, the employment 386
of magistrates, the training and education of judges, acting 387
judges, and magistrates, and other related services. Upon that 388
determination, the court by rule may charge a fee, in addition to 389
all other court costs, on the filing of each criminal cause, civil 390
action or proceeding, or judgment by confession. 391

If the court of common pleas offers or requires a special 392
program or additional services in cases of a specific type, the 393
court by rule may assess an additional charge in a case of that 394
type, over and above court costs, to cover the special program or 395
service. The court shall adjust the special assessment 396
periodically, but not retroactively, so that the amount assessed 397
in those cases does not exceed the actual cost of providing the 398
service or program. 399

All moneys collected under division (E) of this section shall 400
be paid to the county treasurer for deposit into either a general 401
special projects fund or a fund established for a specific special 402
project. Moneys from a fund of that nature shall be disbursed upon 403
an order of the court, subject to an appropriation by the board of 404
county commissioners, in an amount no greater than the actual cost 405
to the court of a project. If a specific fund is terminated 406
because of the discontinuance of a program or service established 407
under division (E) of this section, the court may order, subject 408
to an appropriation by the board of county commissioners, that 409
moneys remaining in the fund be transferred to an account 410
established under this division for a similar purpose. 411

(2) As used in division (E) of this section: 412

(a) "Criminal cause" means a charge alleging the violation of 413
a statute or ordinance, or subsection of a statute or ordinance, 414
that requires a separate finding of fact or a separate plea before 415
disposition and of which the defendant may be found guilty, 416
whether filed as part of a multiple charge on a single summons, 417
citation, or complaint or as a separate charge on a single 418
summons, citation, or complaint. "Criminal cause" does not include 419
separate violations of the same statute or ordinance, or 420
subsection of the same statute or ordinance, unless each charge is 421
filed on a separate summons, citation, or complaint. 422

(b) "Civil action or proceeding" means any civil litigation 423
that must be determined by judgment entry." 424

In line 108801, after "1761.16," insert "1901.261, 1907.261," 425

In line 108803, after "2151.423," insert "2303.081, 426
2303.201," 427

After line 236045, insert: 428

"**Section 812.____.** The amendment of sections 1901.261, 429
1907.261, 2303.081, and 2303.201 and the enactment of sections 430
1901.313 and 1907.202 of the Revised Code take effect on January 431
1, 2025." 432

The motion was _____ agreed to.

SYNOPSIS

Court electronic filings and computerization of courts 433

R.C. 1901.261, 1901.313, 1907.202, 1907.261, 2303.081, and 434

2303.201

435

Provides for the electronic filing of pleadings or documents 436
in courts of common pleas, municipal courts, and county courts, 437
but specifies that these provisions do not apply to probate or 438
juvenile courts; permits municipal and county courts to increase 439
the maximum amount of their additional fees from \$10 to \$20 to 440
cover the computerization of the clerk's office. 441

Removes the requirement that funds for the computerization of 442
common pleas court clerks must be authorized and disbursed by the 443
court, and instead permits the clerk to do so; allows elected 444
municipal and county court clerks to do the same; increases the 445
cap on the additional fee that may be charged for such from \$10 to 446
\$25. 447

Delays the effective date of the provisions described above 448
and of provisions regarding electronic filing of pleadings or 449
documents in municipal and county courts until January 1, 2025. 450

_____ moved to amend as follows:

1 In line 228472, delete "\$2,325,000 \$750,000" and insert
2 "\$4,325,000 \$2,750,000"

3 In line 228474, add \$2,000,000 to each fiscal year

4 In line 228509, add \$2,000,000 to each fiscal year

5 After line 228980, insert:

6 "Of the foregoing appropriation item 336519, Community
7 Projects, \$2,000,000 in each fiscal year shall be allocated to
8 Bellefaire Jewish Children's Bureau to be used for support of
9 its ongoing health care integration efforts to fund competitive
10 compensation to recruit and retain front-line staffing positions
11 across its core behavioral health programs including inpatient
12 psychiatric care and outpatient physical health care and to
13 maintain sufficient staff-to-client ratios for all programs."

14 The motion was _____ agreed to.

15 SYNOPSIS

16 **Department of Mental Health and Addiction Services**

17 **Sections 337.10 and 337.105**

18 Increases the appropriation in GRF ALI 336519, Community
19 Projects, by \$2,000,000 in each fiscal year.

SC3033X1

20 Requires these funds to be allocated to Bellefaire Jewish
21 Children's Bureau to be used for support of its ongoing health
22 care integration efforts.

SC3050X2

20 Adds to the definition of "out of compliance" that the
21 reason a student scheduled to be transported to and from school
22 by a school bus was not transported by school bus at all was due
23 to the failure of the bus to arrive.

24 Removes the requirement for a district found to be out of
25 compliance to submit a remediation plan to the Department of
26 Education and Workforce (DEW).

27 Requires DEW to disburse the daily amount of transportation
28 payment to the district or school in which the pupil is
29 enrolled, rather than directly to the parents or guardian, or
30 other person in charge of each pupil who did not receive proper
31 transportation.

32 Requires the district or school to remit those payments to
33 the parents, guardian, or other person in charge of the pupil.

34 The school is then required to remit that amount to the
35 parent, guardian, or other person in charge of each pupil who
36 did not receive proper transportation.

_____ moved to amend as follows:

1 In line 37838, delete the underlined period

2 Delete lines 37839 through 37841

3 In line 37842, delete "income"

4 After line 37924, insert:

5 "(C) For the purposes of calculating a scholarship amount
6 for a student under this section, the department shall require a
7 student's parent to submit documentation regarding the student's
8 family income. The department shall use the documentation
9 submitted for the first school year that the student has a
10 scholarship amount calculated under this section to calculate
11 the amount for that school year and each subsequent school year,
12 unless, for a subsequent school year, the parent requests the
13 department recalculate the student's scholarship amount based on
14 updated documentation.

15 A parent shall submit documentation, or a request for a
16 recalculation, to the department in a form and manner prescribed
17 by the department."

18 In line 223831, delete "\$7,705,750,000" and insert
19 "\$7,706,250,000"

SC3052

20 In line 223838, add \$500,000 to fiscal year 2024

21 In line 223889, add \$500,000 to fiscal year 2024

22 In line 224638, before "Notwithstanding" insert "(A)"

23 Delete lines 224644 through 224654 and insert:

24 "(B) Notwithstanding anything to the contrary in sections
25 3317.022 and 3310.08 of the Revised Code, for fiscal year 2024
26 only, a student who receives a first-time scholarship under this
27 section for the 2023-2024 school year shall have a scholarship
28 amount determined in accordance with Section 265.277 of this act
29 for that school year. For the 2024-2025 school year and each
30 school year thereafter, such student will have a scholarship
31 amount calculated in accordance with section 3310.08 of the
32 Revised Code."

33 Delete lines 224657 through 224691 and insert:

34 "(A) As used in this section:

35 (1) "K-8 student" means a student enrolled in any of grades
36 kindergarten through eight;

37 (2) "9-12 student" means a student enrolled in any of
38 grades nine through twelve;

39 (3) "FPL" means federal poverty guidelines, as defined in
40 section 5101.46 of the Revised Code.

41 (4) "Traditional Educational Choice scholarship amount"
42 means the maximum Educational Choice scholarship amount the
43 student would receive under division (A)(10)(a)(ii) of section

SC3052

44 3317.022 of the Revised Code for the school year if the student
45 qualified under section 3310.03 of the Revised Code.

46 (B) Notwithstanding anything to the contrary in sections
47 3317.022 and 3310.08 of the Revised Code, for the purposes of
48 division (A) (10) (a) (ii) of section 3317.022 of the Revised Code,
49 the Department of Education and Workforce shall determine the
50 maximum Educational Choice scholarship amount for the 2023-2024
51 school year for a student described in division (B) of Section
52 265.275 of this act, as follows:

53 (1) For a student with a family income at or below 450% of
54 the FPL, the traditional Educational Choice scholarship amount.

55 (2) For a student with a family income above 450% of the
56 FPL, but at or below 500% of the FPL, either:

57 (a) For a K-8 student, \$5,200;

58 (b) For a 9-12 student, \$7,050.

59 (3) For a student with a family income above 500% of the
60 FPL, but at or below 550% of the FPL, either:

61 (a) For a K-8 student, \$3,650;

62 (b) For a 9-12 student, \$5,000.

63 (4) For a student with a family income above 550% of the
64 FPL, but at or below 600% of the FPL, either:

65 (a) For a K-8 student, \$2,600;

66 (b) For a 9-12 student, \$3,550.

67 (5) For a student with a family income above 600% of the
68 FPL, but at or below 650% of the FPL, either:

69 (a) For a K-8 student, \$1,850;

70 (b) For a 9-12 student, \$2,500.

71 (6) For a student with a family income above 650% of the
72 FPL, but at or below 700% of the FPL, either:

73 (a) For a K-8 student, \$1,300;

74 (b) For a 9-12 student, \$1,750;

75 (7) For a student with a family income above 700% of the
76 FPL, but at or below 750% of the FPL, either:

77 (a) For a K-8 student, \$900;

78 (b) For a 9-12 student, \$1,250.

79 (8) For a student with a family income above 750% of the
80 FPL, either:

81 (a) For a K-8 student, \$650;

82 (b) For a 9-12 student, \$950."

83 The motion was _____ agreed to.

84 SYNOPSIS

85 **Ed Choice Expansion scholarship amounts**

86 **R.C. 3310.032 and 3310.08; Sections 265.275 and 265.277**

87 Requires the Department of Education and Workforce (DEW),
88 in calculating a student's Ed Choice Expansion scholarship
89 amount using the logarithmic function formula, to use the family

90 income documentation submitted for the first school year the
91 student has an amount calculated under the formula for that
92 school year and subsequent school years, unless the student's
93 parent requests DEW recalculate the amount based on updated
94 documentation for a subsequent school year.

95 Requires DEW to use the following Ed Choice Expansion
96 scholarship amounts for first-time scholarship recipients for
97 the 2023-2024 school year instead of using the logarithmic
98 function formula:

99 (1) For a student at or below 450% of the federal poverty
100 level (FPL), the amount the student would receive if the student
101 was a traditional Ed Choice scholarship recipient;

102 (2) For a student above 450% FPL, but at or below 500% FPL,
103 either \$5,200 for a student in grades K-8 or \$7,050 for a
104 student in grades 9-12;

105 (3) For a student above 500% FPL, but at or below 550% FPL,
106 either \$3,650 for a student in grades K-8 or \$5,000 for a
107 student in grades 9-12;

108 (4) For a student above 550% FPL, but at or below 600% FPL,
109 either \$2,600 for a student in grades K-8 or \$3,550 for a
110 student in grades 9-12;

111 (5) For a student above 600% FPL, but at or below 650% FPL,
112 either \$1,850 for a student in grades K-8 or \$2,500 for a
113 student in grades 9-12;

114 (6) For a student above 650% FPL, but at or below 700% FPL,
115 either \$1,300 for a student in grades K-8 or \$1,750 for a
116 student in grades 9-12;

117 (7) For a student above 700% FPL, but at or below 750% FPL,
118 either \$900 for a student in grades K-8 or \$1,250 for a student
119 in grades 9-12;

120 (8) For a student above 750% FPL, either \$650 for a student
121 in grades K-8 or \$950 for a student in grades 9-12.

122 **Department of Education and Workforce**

123 **Section 265.10**

124 Increases GRF ALI 200550, Foundation Funding - All
125 Students, by \$500,000 in FY 2024.

_____ moved to amend as follows:

- 1 In line 16 of the title, delete "122.84,"
- 2 In line 42 of the title, delete "725.02,"
- 3 In line 100 of the title, delete "3735.66,"
- 4 In line 637, delete "122.84,"
- 5 In line 657, delete "725.02,"
- 6 In line 699, delete "3735.66,"
- 7 Delete lines 9022 through 9204
- 8 Delete lines 26178 through 26299
- 9 Delete lines 56387 through 56456
- 10 Delete lines 96135 through 96141
- 11 Delete lines 97138 through 97143
- 12 Delete lines 97673 through 97678
- 13 In line 108776, delete "122.84,"
- 14 In line 108795, delete "725.02,"
- 15 In line 108837, delete "3735.66,"

16 The motion was _____ agreed to.

17

SYNOPSIS

18

Housing investments in opportunity zones, CRAs, and TIFs

19

**R.C. 122.84, 725.02, 3735.66, 5709.40 (C) (2), 5709.73 (C) (2),
20 and 5709.78 (B) (2)**

21

Removes a provision, added by the Senate substitute bill,
22 that would have:

23

- Prohibited investments in rental housing in Ohio
24 Opportunity Zones from qualifying for the opportunity zone
25 investment credit against the state income tax if the investment
26 was made in the five years after the bill's 90-day effective
27 date.

28

- Required a county, municipality, or limited home rule
29 township that adopts a resolution designating a community
30 reinvestment area (CRA) to limit, for five years after the
31 bill's 90-day effective date, grants of tax exemptions to
32 residential projects in the CRA to housing that is or will be
33 owner-occupied.

34

Required a county, municipality, or township that adopts an
35 ordinance or agreement designating an incentive district or, in
36 the case of a municipality, an urban renewal area as part of a
37 tax increment financing (TIF) plan to limit, for five years
38 after the bill's 90-day effective date, grants of tax exemptions
39 to residential projects in the district or area to housing that
40 is or will be owner-occupied.

_____ moved to amend as follows:

1 In line 222808, delete "\$32,065,000 \$20,125,000" and
2 insert "\$32,315,000 \$20,375,000"

3 In line 222830, add \$250,000 to each fiscal year

4 In line 222876, add \$250,000 to each fiscal year

5 After line 223160, insert:

6 "(P) Of the foregoing appropriation item 1956H2, One Time
7 Priority Projects, \$250,000 in each fiscal year shall be
8 allocated to Heritage Ohio to support the Ohio Community
9 Revitalization Program."

10 The motion was _____ agreed to.

11 SYNOPSIS

12 **Department of Development**

13 **Sections 259.10 and 259.30**

14 Increases Fund 5A00 ALI 1956H2, One Time Priority Projects,
15 by \$250,000 in each fiscal year and earmarks the amount for
16 Heritage Ohio to support the Ohio Community Revitalization
17 Program.

SC3073

19 distributed to S.U.C.C.E.S.S. for Autism to administer an
20 interprofessional collaborative pilot program for the purpose of
21 training professionals in The S.U.C.C.E.S.S. Approach, a
22 transdisciplinary neurodevelopmental model to assess, educate,
23 and treat children and adults with autism.

Sub. H.B. 33
L-135-0001-5
TAXCD81

_____ moved to amend as follows:

- In line 191 of the title, after "5751.03," insert "5751.04,
5751.05, 5751.051,"; after "5751.06," insert "5751.08, 5751.091," 1 2
- In line 765, after "5751.03," insert "5751.04, 5751.05,
5751.051,"; after "5751.06," insert "5751.08, 5751.091," 3 4
- In line 107325, strike through "with not more than one
hundred fifty thousand" 5 6
- In line 107326, strike through "dollars of" and insert
"whose"; after "year" insert "do not exceed the exclusion amount" 7 8
- In line 107758, strike through "or calendar year" 9
- In line 107761, strike through "'Calendar year taxpayer"
means a taxpayer for which the" 10 11
- Strike through lines 107762 through 107764 12
- In line 107765, strike through "(P)" 13
- In line 107778, strike through "(Q)" and insert "(O)" 14
- In line 107780, strike through "(R)" and insert "(P)" 15
- In line 107787, strike through "(S)" and insert "(Q)" 16
- After line 107789, insert: 17
- "(R) "Exclusion amount" means three million dollars for tax" 18

periods beginning in 2024 and six million dollars for tax periods 19
beginning in 2025. Thereafter, the tax commissioner shall adjust 20
the exclusion amount as described in this division. 21

In August of each year, the commissioner shall multiply the 22
exclusion amount applicable to the current tax period by the gross 23
domestic deflator computed under section 5747.025 of the Revised 24
Code, add the resulting product to the exclusion amount applicable 25
to the current tax period, and round the resulting sum to the 26
nearest fifty dollars. The adjusted amount applies to tax periods 27
beginning in the following calendar year and to each ensuing 28
calendar year until a new adjustment is made pursuant to this 29
division. The tax commissioner shall not make a new adjustment in 30
any year in which the amount resulting from the adjustment would 31
be less than the amount resulting from the adjustment in the 32
preceding year." 33

In line 107806, strike through ", in the case of calendar 34
year taxpayers, is the" 35

Strike through line 107807 36

In line 107807, strike through "quarterly" 37

Delete lines 107927 through 108049 and insert: 38

~~"Sec. 5751.03. (A) Except as provided in division (B) of this~~ 39
~~section, the~~ The rate of tax levied under ~~this~~ section 5751.02 of 40
~~the Revised Code~~ for each tax period shall be ~~the product of two~~ 41
and six-tenths mills per dollar times ~~the remainder of the~~ 42
taxpayer's taxable gross receipts for the tax period after 43
subtracting the exclusion amount ~~provided for in division (C) of~~ 44
~~this section~~ for the calendar year. 45

~~(B) Notwithstanding division (C) of this section, the tax on~~ 46
~~the first one million dollars in taxable gross receipts each~~ 47

~~calendar year shall be calculated as follows:~~

48

~~(1) For taxpayers with annual taxable gross receipts of one million dollars or less for the immediately preceding calendar year, one hundred fifty dollars;~~

49

50

51

~~(2) For taxpayers with annual taxable gross receipts greater than one million dollars, but less than or equal to two million dollars for the immediately preceding calendar year, eight hundred dollars;~~

52

53

54

55

~~(3) For taxpayers with annual taxable gross receipts greater than two million dollars, but less than or equal to four million dollars for the immediately preceding calendar year, two thousand one hundred dollars;~~

56

57

58

59

~~(4) For taxpayers with annual taxable gross receipts greater than four million dollars for the immediately preceding calendar year, two thousand six hundred dollars.~~

60

61

62

~~The tax imposed under division (B)(1) of this section shall be paid not later than the tenth day of May of each year along with the annual tax return. The tax imposed under divisions (B)(2), (3), and (4) of this section shall be paid not later than the tenth day of May of each year along with the first quarter tax return.~~

63

64

65

66

67

68

~~(C)(1) Each taxpayer may exclude the first one million dollars of taxable gross receipts for a calendar year. Calendar quarter taxpayers shall apply the full exclusion amount to the first calendar quarter return the taxpayer files that calendar year and may carry forward and apply any unused exclusion amount to subsequent calendar quarters within that same calendar year.~~

69

70

71

72

73

74

~~(2) A taxpayer switching from a calendar year tax period to a calendar quarter tax period may, for the first quarter of the~~

75

76

~~change, apply the full one million dollar exclusion amount to the
 first calendar quarter return the taxpayer files that calendar
 year. Such taxpayers may carry forward and apply any unused
 exclusion amount to subsequent calendar quarters within that same
 calendar year. The tax rate shall be based on the rate imposed
 that calendar quarter when the taxpayer switches from a calendar
 year to a calendar quarter tax period.~~

~~(3) A taxpayer shall not exclude more than one million
 dollars pursuant to division (C) of this section in a calendar
 year.~~

Sec. 5751.04. (A) As used in this section, "person" includes
 a reporting person.

(B) Not later than thirty days after a ~~person first has more
 than one hundred fifty thousand dollars in~~ person's taxable gross
 receipts ~~in~~ for a calendar year first exceed the exclusion amount,
 each person subject to this chapter shall register with the tax
 commissioner on the form prescribed by the commissioner. The form
 shall include the following:

- (1) The person's name;
- (2) The person's primary address;
- (3) The business or industry codes for the person;
- (4) The person's federal employer identification number or
 social security number or equivalent, as applicable;
- (5) The person's organizational type;
- (6) The date the person is first subject to the tax imposed
 by this chapter;
- (7) The names, addresses, federal identification numbers or

social security numbers or equivalents, and organization types of 104
each member that is commonly owned in a consolidated elected 105
taxpayer or combined taxpayer group; 106

(8) All other information that the commissioner requires to 107
administer and enforce this chapter. 108

(C)(1) To help defray the costs of administering the tax 109
imposed by this chapter, the commissioner shall collect a 110
registration fee in the amount of twenty dollars per person up to 111
a maximum of two hundred dollars per consolidated elected taxpayer 112
or combined taxpayer group. The commissioner shall systematically 113
deduct and collect the fee from the first tax payment each 114
taxpayer makes after registering or adding members, as applicable. 115
No separate registration fee may be collected in addition to the 116
tax imposed by this chapter. 117

(2) If a person does not register within the time prescribed 118
by this section, an additional fee is imposed in the amount of one 119
hundred dollars per month or part thereof that the fee is 120
outstanding, not to exceed one thousand dollars. The tax 121
commissioner may abate the additional fee. The fee imposed under 122
this division may be assessed in the same manner as the tax 123
imposed under this chapter. 124

(D) Proceeds from the fee imposed under division (C) of this 125
section shall be credited to the revenue enhancement fund, which 126
is hereby created in the state treasury. 127

(E) If a person that has registered under this section is no 128
longer a taxpayer subject to this chapter, the person shall notify 129
the commissioner that the person's registration should be 130
cancelled. 131

(F) With respect to registrations received by the 132

commissioner before October 16, 2009, the taxpayer listed as the
 primary taxpayer on the registration shall be the reporting person
 until the taxpayer notifies the commissioner otherwise.

Sec. 5751.05. (A) ~~If a~~ Any person subject to this chapter
 anticipates that the person's taxable gross receipts will be more
 than one million dollars in a calendar year, the person shall
 notify the tax commissioner on the person's initial registration
 form and file on a quarterly basis as a calendar quarter taxpayer.
 Any taxpayer with taxable gross receipts of one million dollars or
 less shall register as a calendar year taxpayer and shall file
 annually.

(B) ~~Any person that is a calendar year taxpayer under~~
~~division (A) of this section shall become a calendar quarter~~
~~taxpayer in the subsequent calendar year if the person's taxable~~
~~gross receipts for the prior calendar year are more than one~~
~~million dollars, and shall remain a calendar quarter taxpayer~~
~~until the person notifies the commissioner, and receives approval~~
~~in writing from the commissioner, to switch back to being a~~
~~calendar year taxpayer.~~

~~(C)~~ The tax commissioner may grant written approval for a
~~calendar quarter~~ taxpayer to use an alternative reporting schedule
 or estimate the amount of tax due for a calendar quarter if the
 taxpayer demonstrates to the commissioner the need for such a
 deviation. The commissioner may adopt a rule to apply this
~~division (C) of this section~~ to a group of taxpayers without the
 taxpayers having to receive written approval from the
 commissioner.

Sec. 5751.051. ~~(A)(1)(A)~~ Not later than the tenth day of the
 second month after the end of each calendar quarter, every

taxpayer ~~other than a calendar year taxpayer~~ shall file with the 162
tax commissioner a tax return in such form as the commissioner 163
prescribes. The return shall include, but is not limited to, the 164
amount of the taxpayer's taxable gross receipts for the calendar 165
quarter and shall indicate the amount of tax due under section 166
5751.03 of the Revised Code for the calendar quarter. 167

~~(2)(a)(B)(1)~~ Subject to division ~~(C)(B)~~ of section 5751.05 of 168
the Revised Code, a ~~calendar quarter~~ taxpayer shall report the 169
taxable gross receipts for that calendar quarter. 170

~~(b)(2)~~ With respect to taxable gross receipts incorrectly 171
reported in a calendar quarter that has a lower tax rate, the tax 172
shall be computed at the tax rate in effect for the quarterly 173
return in which such receipts should have been reported. Nothing 174
in division ~~(A)(2)(b)(B)(2)~~ of this section prohibits a taxpayer 175
from filing an application for refund under section 5751.08 of the 176
Revised Code with regard to the incorrect reporting of taxable 177
gross receipts discovered after filing the annual return described 178
in division ~~(A)(3)(C)~~ of this section. 179

A tax return shall not be deemed to be an incorrect reporting 180
of taxable gross receipts for the purposes of division 181
~~(A)(2)(b)(B)(2)~~ of this section if the return reflects between 182
ninety-five and one hundred five per cent of the actual taxable 183
gross receipts for the calendar quarter. 184

~~(3)(C)~~ For the purposes of division ~~(A)(2)(b)(B)(2)~~ of this 185
section, the tax return filed for the fourth calendar quarter of a 186
calendar year is the annual return for the privilege tax imposed 187
by this chapter. Such return shall report any additional taxable 188
gross receipts not previously reported in the calendar year and 189
shall adjust for any over-reported taxable gross receipts in the 190
calendar year. If the taxpayer ceases to be a taxpayer before the 191

end of the calendar year, the last return the taxpayer is required 192
to file shall be the annual return for the taxpayer and the 193
taxpayer shall report any additional taxable gross receipts not 194
previously reported in the calendar year and shall adjust for any 195
over-reported taxable gross receipts in the calendar year. 196

~~(4)(D)~~ Because the tax imposed by this chapter is a privilege 197
tax, the tax rate with respect to taxable gross receipts for a 198
calendar quarter is not fixed until the end of the measurement 199
period for each calendar quarter. Subject to division 200
~~(A)(2)(b)(B)(2)~~ of this section, the total amount of taxable gross 201
receipts reported for a given calendar quarter shall be subject to 202
the tax rate in effect in that quarter. 203

~~(5)~~ Not later than the tenth day of May following the end of 204
each calendar year, every calendar year taxpayer shall file with 205
the tax commissioner a tax return in such form as the commissioner 206
prescribes. The return shall include, but is not limited to, the 207
amount of the taxpayer's taxable gross receipts for the calendar 208
year and shall indicate the amount of tax due under section 209
5751.03 of the Revised Code for the calendar year. 210

~~(B)(1)~~ A person that first becomes subject to the tax imposed 211
under this chapter shall pay the minimum tax imposed under 212
division (B) of section 5751.03 of the Revised Code on or before 213
the day the return is required to be filed for that quarter under 214
division (A)(1) of this section, regardless of whether the person 215
registers as a calendar year taxpayer under section 5751.05 of the 216
Revised Code. 217

~~(2)~~ The amount of the minimum tax for a person subject to 218
division (B)(1) of this section shall be reduced by one half if 219
the registration is timely filed after the first day of May and 220
before the first day of January of the following calendar year. 221

Sec. 5751.06. (A) Any taxpayer that fails to file a return or pay the full amount of the tax due within the period prescribed therefor under this chapter shall pay a penalty in an amount not exceeding the greater of fifty dollars or ten per cent of the tax required to be paid for the tax period.

(B)(1) If any additional tax is found to be due, the tax commissioner may impose an additional penalty of up to fifteen per cent on the additional tax found to be due.

(2) Any delinquent payments of the tax made after a taxpayer is notified of an audit or a tax discrepancy by the commissioner is subject to the penalty imposed by division (B) of this section. If an assessment is issued under section 5751.09 of the Revised Code in connection with such delinquent payments, the payments shall be credited to the assessment.

~~(C) After calendar year 2008, the tax commissioner may impose an additional penalty against a taxpayer that fails to switch to being a calendar quarter taxpayer at the time it had over two million in taxable gross receipts in the calendar year, as required under section 5751.04 of the Revised Code. The penalty may be imposed in an amount not to exceed ten per cent of the tax due above two million dollars in taxable gross receipts for the calendar year. Any penalty imposed under this division is in addition to any other penalties imposed under this section.~~

~~(D)~~ If the tax commissioner notifies a person required to register under section 5751.05 of the Revised Code of such requirement and of the requirement to remit the tax due under this chapter, and the person fails to so register and remit the tax within sixty days after such notice, the tax commissioner may impose an additional penalty of up to thirty-five per cent of the

tax due. The penalty imposed under this division is in addition to 251
any other penalties imposed under this section. 252

~~(E)~~(D) The tax commissioner may collect any penalty or 253
interest imposed by this section in the same manner as the tax 254
imposed under this chapter. Penalties and interest so collected 255
shall be considered as revenue arising from the tax imposed under 256
this chapter. 257

~~(F)~~(E) The tax commissioner may abate all or a portion of any 258
penalties imposed under this section and may adopt rules governing 259
such abatements. 260

~~(G)~~(F) If any tax due is not timely paid in accordance with 261
this chapter, the taxpayer shall pay interest, calculated at the 262
rate per annum prescribed by section 5703.47 of the Revised Code, 263
from the date the tax payment was due to the date of payment or to 264
the date an assessment was issued, whichever occurs first. 265

~~(H)~~(G) The tax commissioner may impose a penalty of up to ten 266
per cent for any additional tax that is due under division 267
~~(A)(2)(b)~~(A)(2) of section 5751.051 of the Revised Code from a 268
taxpayer incorrectly reporting its taxable gross receipts. 269

~~(I)~~(H) If the tax commissioner discovers that a taxpayer has 270
billed or invoiced another person for the tax imposed under this 271
chapter in violation of division (B) of section 5751.02 of the 272
Revised Code, the tax commissioner shall notify the taxpayer of 273
the violation ~~by certified mail~~ in the manner provided in section 274
5703.37 of the Revised Code and may impose a penalty of up to five 275
hundred dollars. If the taxpayer subsequently bills or invoices a 276
person for the tax imposed under this chapter, the tax 277
commissioner shall impose a penalty of five hundred dollars. 278

Sec. 5751.08. (A) An application for refund to the taxpayer 279

of amounts imposed under this chapter that are overpaid, paid 280
 illegally or erroneously, or paid on any illegal or erroneous 281
 assessment shall be filed by the reporting person with the tax 282
 commissioner, on the form prescribed by the commissioner, within 283
 four years after the date of the illegal or erroneous payment, or 284
 within any additional period allowed under division (F) of section 285
 5751.09 of the Revised Code. The applicant shall provide the 286
 amount of the requested refund along with the claimed reasons for, 287
 and documentation to support, the issuance of a refund. 288

(B) On the filing of the refund application, the tax 289
 commissioner shall determine the amount of refund to which the 290
 applicant is entitled. If the amount is not less than that 291
 claimed, the commissioner shall certify the amount to the director 292
 of budget and management and treasurer of state for payment from 293
 the tax refund fund created under section 5703.052 of the Revised 294
 Code. If the amount is less than that claimed, the commissioner 295
 shall proceed in accordance with section 5703.70 of the Revised 296
 Code. 297

(C) Interest on a refund applied for under this section, 298
 computed at the rate provided for in section 5703.47 of the 299
 Revised Code, shall be allowed from the later of the date the 300
 amount was paid or when the amount was due. 301

~~(D) A calendar quarter taxpayer with more than one million 302
 dollars in taxable gross receipts in a calendar year other than 303
 calendar year 2005 and that is not able to exclude one million 304
 dollars in taxable gross receipts because of the operation of the 305
 taxpayer's business in that calendar year may file for a refund 306
 under this section to obtain the full exclusion of one million 307
 dollars in taxable gross receipts for that calendar year. 308~~

~~(E)~~ Except as provided in section 5751.081 of the Revised 309

Code, the tax commissioner may, with the consent of the taxpayer, 310
 provide for the crediting against tax due for a tax period the 311
 amount of any refund due the taxpayer under this chapter for a 312
 preceding tax period. 313

Sec. 5751.091. (A) If a taxpayer excludes from its taxable 314
 gross receipts amounts described under division (F)(2)(oo) or (pp) 315
 of section 5751.01 of the Revised Code for a tax period in which 316
 the taxpayer does not qualify for that exclusion for any portion 317
 of that tax period, the taxpayer shall remit to the tax 318
 commissioner a payment equal to the product of the following: (a) 319
 the cost of all property received in this state by a megaproject 320
 operator from the taxpayer during that tax period, multiplied by 321
 (b) the tax rate prescribed in ~~division (A)~~ of section 5751.03 of 322
 the Revised Code. The charge shall be levied and collected as a 323
 tax imposed under this chapter. 324

(B) A taxpayer required to remit a payment under division (A) 325
 of this section for three consecutive calendar years may not 326
 exclude from the taxpayer's taxable gross receipts any amounts 327
 described in division (F)(2)(oo) or (pp) of section 5751.01 of the 328
 Revised Code for any tax period in any following calendar year." 329

In line 108903, after "5751.03," insert "5751.04, 5751.05, 330
 5751.051,"; after "5751.06," insert "5751.08, 5751.091," 331

After line 236002, insert: 332

"Section 803.____. The amendment by this act of every division 333
 except division (F) of section 5751.01, division (A) of section 334
 5751.02, every division except division (I) of section 5751.06, 335
 and sections 5751.03, 5751.04, 5751.05, 5751.051, 5751.08, and 336
 5751.091 of the Revised Code applies to tax periods beginning on 337
 and after January 1, 2024." 338

The motion was _____ agreed to.

SYNOPSIS

CAT rates and exclusions	339
R.C. 5751.01, 5751.02, 5751.03, 5751.04, 5751.05, 5751.051,	340
5751.06, 5751.08, and 5751.091; Section 803.____	341
Removes a provision, added in the Senate substitute bill,	342
which would have reduced the rate of the commercial activity tax	343
(CAT) rates by 25% over 2024 and 2025.	344
Excludes, for tax periods beginning in 2024, businesses with	345
taxable gross receipts of \$3 million or less and, for tax periods	346
in 2025, businesses with taxable gross receipts of \$6 million or	347
less from the CAT. For tax periods in 2026 and thereafter, the Tax	348
Commissioner must annually adjust the exclusion amount for	349
inflation. Businesses with taxable gross receipts in excess of the	350
exclusion amount will pay existing tax CAT rate of 0.26% on that	351
excess.	352
Eliminates calendar year CAT filing, which was principally	353
available to taxpayers with less than \$1 million in taxable gross	354
receipts, who are now excluded from the CAT.	355

_____ moved to amend as follows:

1 In line 60716, delete "(b)" and insert "(b) (i)"

2 After line 60721, insert:

3 "(ii) Every insurer that offers basic property and
4 homeownership insurance insuring on a direct basis a structure
5 located in a county that adopts a resolution under division
6 (A) (2) (b) (i) of this section requiring mine subsidence
7 insurance, shall include mine subsidence coverage provided by
8 the Ohio mine subsidence insurance underwriting association, as
9 specified in division (A) (1) of this section, on or before the
10 date specified in the resolution, or the first day of July of
11 the first year that begins after the resolution was adopted,
12 whichever is later.

13 (iii) Every insurer that offers basic property and
14 homeownership insurance insuring on a direct basis a structure
15 located in a county that adopts a resolution under division
16 (A) (2) (b) (i) of this section to rescind a mine subsidence
17 insurance requirement, shall remove mine subsidence coverage
18 provided by the Ohio mine subsidence insurance underwriting
19 association and instead offer to include such coverage, as

20 specified in division (A)(2)(a) of this section, on or before
21 the date specified in the resolution, or the first day of July
22 of the first year that begins after the resolution was adopted,
23 whichever is later.

24 (iv) A board of county commissioners that adopts a
25 resolution under division (A)(2)(b)(i) of this section, whether
26 that resolution imposes a mine subsidence insurance requirement
27 or rescinds such a requirement, shall promptly provide a copy of
28 the resolution to the director of natural resources and the
29 superintendent of insurance. The director shall post a copy of
30 that resolution to the web site of the department of natural
31 resources, and the superintendent shall post a copy of that
32 resolution on the web site of the department of insurance."

33 The motion was _____ agreed to.

34 SYNOPSIS

35 **Mine subsidence insurance timing**

36 **R.C. 3929.56**

37 Modifies a Senate provision that allows the board of county
38 commissioners of certain counties to adopt a resolution
39 requiring mine subsidence insurance coverage as follows:

40 - Specifies that insurers must provide the coverage on or
41 before the date specified in the resolution, which must not be
42 sooner than July 1 of the following year;

SC3085

43 - Specifies that, if the board of county commissioners
44 rescinds the requirement, insurers must cease requiring the
45 coverage and instead offer the coverage as an option, on or
46 before the date specified in the rescinding resolution, which
47 must not be sooner than July 1 of the following year;

48 - Requires the board of county commissioners to promptly
49 send a copy of either such resolution to the Director of Natural
50 Resources and the Superintendent of Insurance;

51 - Requires the Director and the Superintendent to post the
52 resolution on their respective websites.

Sub. H.B. 33
L-135-0001-3
DPSCD79, DPSCD80

_____ moved to amend as follows:

In line 123 of the title, after "4513.17," insert "4516.01, 1
4516.02, 4516.05, 4516.06, 4516.08, 4516.09, 4516.10," 2

In line 716, after "4513.17," insert "4516.01, 4516.02, 3
4516.05, 4516.06, 4516.08, 4516.09, 4516.10," 4

After line 69191, insert: 5

"**Sec. 4516.01.** As used in this chapter: 6

(A) "Car sharing period" means the period of time that 7
commences with the car sharing delivery period or, if there is no 8
car sharing delivery period, with the car sharing start time, in 9
accordance with the peer-to-peer car sharing program agreement, 10
and ends with the car sharing termination time. 11

(B) "Car sharing delivery period" means the period of time in 12
which a shared vehicle is being delivered to the location for the 13
shared vehicle driver to take possession of the shared vehicle, in 14
accordance with the peer-to-peer car sharing program agreement. 15

(C) "Car sharing start time" means either the point in time 16
when the shared vehicle driver takes possession of the shared 17
vehicle or the point in time when the shared vehicle driver was 18
scheduled to take possession of the shared vehicle, whichever 19

occurs first.	20
(D) "Car sharing termination time" means the point in time when the earliest of the following events occurs:	21
(1) The expiration time established in the peer-to-peer car sharing program agreement for use of the shared vehicle, provided that the shared vehicle is returned to the location designated in the agreement by the expiration time;	22
(2) The shared vehicle is returned to an alternate location, if the shared vehicle owner and the shared vehicle driver agree on the alternate location, as communicated through the peer-to-peer car sharing program, <u>and the alternate location is incorporated into the peer-to-peer car sharing program agreement.</u>	23
(3) The shared vehicle owner or the owner's designee takes possession of the shared vehicle.	24
(E) "Motor vehicle" has the same meaning as in section 4509.01 of the Revised Code.	25
(F) "Motor-vehicle liability policy" has the same meaning as in section 4509.01 of the Revised Code.	26
(G) "Peer-to-peer car sharing" means the authorized use of a motor vehicle by an individual other than the motor vehicle's owner through a peer-to-peer car sharing program.	27
(H) "Peer-to-peer car sharing program" or "program" means a person who operates a business platform that connects a shared vehicle owner to a shared vehicle driver to enable the sharing of vehicles for financial consideration. "Peer-to-peer car sharing program" does not include a motor vehicle leasing dealer as defined in section 4517.01 of the Revised Code or a motor vehicle renting dealer as defined in section 4549.65 of the Revised Code.	28
	29
	30
	31
	32
	33
	34
	35
	36
	37
	38
	39
	40
	41
	42
	43
	44
	45
	46
	47

(I) "Peer-to-peer car sharing program agreement" or 48
"agreement" means an agreement established through the 49
peer-to-peer car sharing program that serves as a contract between 50
the peer-to-peer car sharing program, the shared vehicle owner, 51
and the shared vehicle driver and describes the specific terms and 52
conditions of the agreement, including the car sharing period and 53
the location or locations for transfer of possession. 54

(J) "Proof of financial responsibility" has the same meaning 55
as in section 4509.01 of the Revised Code. 56

(K) "Safety recall" means a recall issued pursuant to 49 57
U.S.C. 30118 pertaining to a defect related to motor vehicle 58
safety or noncompliance with an applicable federal motor vehicle 59
safety standard. 60

(L) "Shared vehicle" means a personal motor vehicle that is 61
registered as a passenger car under Chapter 4503. of the Revised 62
Code or a substantially similar law in another state and that is 63
enrolled in a peer-to-peer car sharing program. 64

(M) "Shared vehicle driver" means a person authorized by a 65
shared vehicle owner, in accordance with the terms and conditions 66
of a peer-to-peer car sharing program agreement, to operate a 67
shared vehicle during a car sharing period. 68

(N) "Shared vehicle owner" means a registered owner of a 69
shared vehicle or a person designated by the registered owner. 70

Sec. 4516.02. (A) A peer-to-peer car sharing program shall 71
collect ~~all of~~ the following information before entering into a 72
peer-to-peer car sharing program agreement including, but not 73
limited to: 74

(1) The name and address of the shared vehicle owner and the 75

shared vehicle driver;	76
(2) The driver's license number and state of issuance of the shared vehicle driver;	77 78
(3) The name, address, driver's license number, and state of issuance of and any other person who will operate the shared vehicle during the car sharing period;	79 80 81
(4) Information regarding whether the shared vehicle owner and the shared vehicle driver have motor vehicle liability policy or other proof of financial responsibility and information related to that policy or proof and any policy limits;	82 83 84 85
(5) Whether the shared vehicle owner knows of any safety recalls regarding the shared vehicle;	86 87
(6) Verification that the shared vehicle is registered in accordance with the requirements established under Chapter 4503. of the Revised Code or a substantially similar law in another state.	88 89 90 91
(B) A peer-to-peer car sharing program shall not allow a peer-to-peer car sharing program agreement through its platform if the program knows that the person who will operate the shared vehicle is not a party to the agreement or knows that such a person does not have a valid driver's license.	92 93 94 95 96
(C) A peer-to-peer car sharing program shall not allow a peer-to-peer car sharing agreement through its platform if the shared vehicle that is the subject of the agreement is not registered.	97 98 99 100
(D) A peer-to-peer car sharing program shall collect, verify, and maintain records pertaining to the use of each shared vehicle enrolled in the program, including records pertaining to all of the following:	101 102 103 104

(1) The dates, times, and duration of time that the shared vehicle is in use through the program;	105 106
(2) The dates, times, and duration of time that the shared vehicle driver possesses the shared vehicle through the program;	107 108
(3) Any fees or other financial consideration paid by the shared vehicle driver;	109 110
(4) <u>(3)</u> Any revenues or other financial consideration received by the shared vehicle owner;	111 112
(5) <u>(4)</u> Any other information or data that is necessary to establish the car sharing period, including the car sharing delivery period, the car sharing start time, and the car sharing termination time, for the shared vehicle.	113 114 115 116
(E) <u>(1)</u> (C) <u>(1)</u> The program shall provide the records required by division (D) <u>(B)</u> of this section, upon request, to any shared vehicle owner, shared vehicle driver, the shared vehicle owner's insurer, or the shared vehicle driver's insurer for purposes of facilitating the investigation of a claim, incident, or accident.	117 118 119 120 121
(2) Upon receipt of a valid warrant, the program shall provide the records required by division (D) <u>(B)</u> of this section to law enforcement.	122 123 124
(F) <u>(D)</u> The program shall retain records required by division (D) <u>(B)</u> of this section regarding each car sharing period for not less than three years after the car sharing period.	125 126 127
Sec. 4516.05. (A) When a motor vehicle owner registers as a shared vehicle owner with a peer-to-peer car sharing program and before the shared vehicle owner makes the shared vehicle available for peer-to-peer car sharing, the program shall do all of the following:	128 129 130 131 132

(1) Verify that the shared vehicle does not have any outstanding safety recalls on the vehicle; 133
134

(2) Provide notice to the shared vehicle owner of the owner's responsibilities under division (B) of this section. 135
136

(B)(1) If a shared vehicle owner receives actual notice of a safety recall on the shared vehicle, the shared vehicle owner shall not make the shared vehicle available through a peer-to-peer car sharing program until the safety recall repair is made. 137
138
139
140

(2) If the shared vehicle owner receives actual notice of a safety recall on the shared vehicle after the shared vehicle is available through a peer-to-peer car sharing program but while the shared vehicle is not currently possessed by a shared vehicle driver, the shared vehicle owner shall remove the shared vehicle from availability until the safety recall repair is made. 141
142
143
144
145
146

(3) If the shared vehicle owner receives actual notice of a safety recall on the shared vehicle while the vehicle is possessed by a shared vehicle driver, the shared vehicle owner shall notify the peer-to-peer car sharing program about the safety recall, so that the car sharing period can be terminated to allow the shared vehicle owner to address the safety recall repair. 147
148
149
150
151
152

~~(C) The peer to peer car sharing program shall establish commercially reasonable procedures to determine any safety recalls that apply to a shared vehicle registered with the program after the initial registration of the shared vehicle with the program.~~ 153
154
155
156

Sec. 4516.06. ~~(A) Peer to peer~~ Nothing in this chapter shall be construed to exempt any person involved in peer-to-peer car sharing and a peer to peer car sharing program agreement are a consumer transaction for purposes from the provisions of sections 1345.01 to 1345.13 of the Revised Code. ~~The peer to peer car~~ 157
158
159
160
161

~~sharing program and the shared vehicle owner are the suppliers and 162
the shared vehicle driver is the consumer for purposes of those 163
sections. 164~~

~~(B) A peer to peer car sharing program is not liable for a 165
violation under sections 1345.01 to 1345.13 of the Revised Code 166
when the alleged violation is the result of false, misleading, or 167
inaccurate information provided to the program by a shared vehicle 168
owner or a shared vehicle driver and the program relied on that 169
information in good faith. 170~~

Sec. 4516.08. (A) It is not the intent of the general 171
assembly that any provision in Chapter 4516. of the Revised Code 172
be interpreted as either limiting or restricting an insurer's 173
ability to exclude insurance coverage from any insurance policy or 174
an insurer's ability to underwrite any insurance policy. 175

(B) An insurer's ability to exclude or limit coverage and to 176
otherwise underwrite a policy of insurance includes, but is not 177
limited to, all of the following: 178

(1) Liability coverage for bodily injury and property damage; 179

(2) Uninsured or underinsured motorist coverage; 180

(3) Medical payments coverage; 181

(4) Comprehensive physical damage coverage; 182

(5) Collision physical damage coverage; 183

(6) Loss of earnings coverage. 184

(C) Nothing in this chapter is intended to invalidate or 185
limit an exclusion contained in a policy of motor vehicle 186
liability insurance, including any insurance policy that is in use 187
or that is approved for use that excludes coverage while a motor 188

vehicle is made available for rent, share, hire, or during any 189
business use. 190

Sec. 4516.09. (A) Except as provided in division (B) of this 191
 section, a peer-to-peer car sharing program shall assume liability 192
 of a shared vehicle owner for any death, bodily injury, or 193
 property damage to a third party or an uninsured or underinsured 194
 motorist that is proximately caused by the operation of the shared 195
 vehicle during the car sharing period in an amount stated in the 196
 peer-to-peer car sharing program agreement. The amount shall be 197
 not less than that specified in division (A)(1) of section 4516.10 198
 of the Revised Code. 199

(B) The assumption of liability under division (A) of this 200
 section does not apply if either of the following occurs: 201

(1) The shared vehicle owner makes an intentional or 202
 fraudulent material misrepresentation or omission to the program 203
 regarding the shared vehicle owner's motor-vehicle liability 204
 policy, other proof of financial responsibility, or the type or 205
 condition of the shared vehicle before the car sharing period in 206
 which the loss occurs; 207

(2) The shared vehicle owner and the shared vehicle driver 208
 conspire to have the shared vehicle driver fail to return the 209
 shared vehicle, in violation of the terms of the peer-to-peer car 210
 sharing agreement. 211

(C) A peer-to-peer car sharing program shall have either a 212
policy of insurance or a self-insurance mechanism in order to 213
cover its liabilities and obligations under this section and 214
sections 4516.10 and 4516.11 of the Revised Code. 215

Sec. 4516.10. (A)(1) A peer-to-peer car sharing program shall 216

ensure that, during each car sharing period, the shared vehicle owner and the shared vehicle driver are each covered by a motor-vehicle liability policy or other proof of financial responsibility ~~that recognizes their status as a shared vehicle owner or shared vehicle driver and provides coverage for the operation of the shared vehicle during the car sharing period.~~ Each policy or proof shall ~~be maintained in the following amounts~~ provide coverage in an amount that is not less than the amounts specified in section 4509.51 of the Revised Code. The policy or proof shall do either of the following:

(a) ~~At least twenty five thousand dollars because of bodily injury to or death of one person in any one accident~~ Recognize that the motor vehicle insured under the policy or proof is a shared vehicle;

(b) ~~At least fifty thousand dollars because of bodily injury or death of two or more persons in any one accident;~~

~~(c) At least twenty five thousand dollars because of injury to property of others in any one accident~~ Not expressly exclude the use of the motor vehicle insured under the policy or proof as a shared vehicle by a shared vehicle driver.

(2) The insurance required by division (A)(1) of this section may be satisfied by any of the following or a combination of any of the following:

(a) A motor-vehicle liability policy or other proof of financial responsibility that is maintained by the shared vehicle owner;

(b) A motor-vehicle liability policy or other proof of financial responsibility that is maintained by the shared vehicle driver;

(c) A motor-vehicle liability policy or other proof of financial responsibility that is maintained by the peer-to-peer car sharing program.

(3)(a) Whichever motor-vehicle liability policy or other proof of financial responsibility under division (A)(2) of this section that is satisfying the insurance required under division (A)(1) of this section as specified in the peer-to-peer car sharing program agreement is the primary insurance during each car sharing period.

(b) If a claim occurs in a state with minimum proof of financial responsibility limits higher than those specified in section 4509.51 of the Revised Code, the motor-vehicle liability policy or other proof of financial responsibility that is maintained by the peer-to-peer car sharing program under division (A)(2)(c) of this section shall satisfy any difference in minimum coverage amounts, up to the applicable policy limits.

(c) Except as provided by division (A) of section 4516.11 of the Revised Code, the person or entity providing the primary insurance under division (A)(3)(a) of this section shall assume primary liability for a claim when either of the following occurs:

(i) A dispute exists as to who was operating the shared vehicle at the time of the loss, and the peer-to-peer car sharing program does not have available, did not retain, or fails to provide the records required by section 4516.02 of the Revised Code.

(ii) A dispute exists as to whether the shared vehicle was returned to the originally agreed upon location or an alternatively agreed upon location for transfer of possession in accordance with the peer-to-peer car sharing program agreement.

(4)(a) If the motor-vehicle liability policy or other proof of financial responsibility maintained by a shared vehicle owner or shared vehicle driver does not provide liability coverage for peer-to-peer car sharing in the amounts required by division (A)(1) of this section, the insurance maintained by the peer-to-peer car sharing program shall provide the required coverage, beginning with the first dollar of the claim and shall have the duty to defend the claim.

(b) A motor-vehicle liability policy or other proof of financial responsibility maintained by a peer-to-peer car sharing program in accordance with this section shall not require the shared vehicle owner's or shared vehicle driver's insurer to first deny a claim before providing coverage.

(B) A motor-vehicle liability policy that meets the requirements of this section satisfies the requirement for proof of financial responsibility for motor vehicles under Chapter 4509. of the Revised Code.

~~(C)(1) The peer to peer car sharing program shall examine the motor vehicle liability policy or other proof of financial responsibility maintained by a shared vehicle owner or a shared vehicle driver to determine whether that policy or proof provides or excludes coverage for peer to peer car sharing prior to entering into a peer to peer car sharing agreement with that shared vehicle owner or shared vehicle driver if either of the following occur:~~

~~(a) The shared vehicle owner or the shared vehicle driver refuses insurance coverage provided by the program.~~

~~(b) The shared vehicle owner or the shared vehicle driver claims the policy or proof maintained by that shared vehicle owner or shared vehicle driver provides coverage for peer to peer car~~

~~sharing.~~ 305

~~(2) The peer to peer car sharing program may require~~ 306
~~increased limits of insurance beyond what is required by division~~ 307
~~(A)(1) of this section as a condition of participation in the~~ 308
~~agreement."~~ 309

In line 108854, after "4513.17," insert "4516.01, 4516.02, 310
4516.05, 4516.06, 4516.08, 4516.09, 4516.10," 311

The motion was _____ agreed to.

SYNOPSIS

Peer-to-peer car sharing program changes 312

R.C. 4516.01, 4516.02, 4516.05, and 4516.06 313

Specifies that when an alternative location for return of a 314
shared vehicle is agreed to by the parties, the new location must 315
be incorporated into the peer-to-peer car sharing program 316
agreement in order to trigger the car sharing termination time. 317

Removes the requirements that the peer-to-peer car sharing 318
program collect all of the following information: 319

- The name and address of any alternative drivers; 320
- Information regarding auto insurance held by the shared 321
vehicle owner and shared vehicle drivers; 322
- Information regarding whether the shared vehicle owner 323
knows of any safety recalls on the shared vehicle; and 324
- Verification that the shared vehicle is properly registered 325
in either Ohio or another state. 326

Eliminates the prohibitions that require a peer-to-peer car sharing program to:	327
	328
1. Not allow a peer-to-peer car sharing agreement through its platform if it knows that the person driving the shared vehicle is not a party to the agreement or does not have a valid driver's license; and	329
	330
	331
	332
2. Not allow an unregistered shared vehicle on its platform.	333
Removes the requirement that a peer-to-peer car sharing program collect, verify, and maintain records pertaining to the dates, times, and duration of time that the shared vehicle driver possesses the shared vehicle through the program.	334
	335
	336
	337
Removes the requirement that the peer-to-peer car sharing program establish commercially reasonable procedures to determine any safety recalls that apply to a shared vehicle registered with the program after initial registration.	338
	339
	340
	341
Specifies that peer-to-peer car sharing is generally subject to the laws governing consumer sales practices, but removes current law specifications regarding the roles of each party to the agreements within those laws.	342
	343
	344
	345
Insurance and peer-to-peer car sharing	346
R.C. 4516.08, 4516.09, and 4516.10	347
Expands on the general statement within the peer-to-peer car sharing provisions that an insurer may limit, restrict, or exclude coverage of a shared vehicle within its insurance policies.	348
	349
	350
Expressly requires a peer-to-peer car sharing program to have a policy of insurance or a self-insurance mechanism to cover its statutory insurance obligations.	351
	352
	353
Designates the party that is providing the auto insurance	354

during the peer-to-peer car sharing period (owner, driver, or 355
program) as specified in the agreement as the "primary insurance." 356

Requires the peer-to-peer car sharing program to provide the 357
difference in coverage if an Ohio shared vehicle is operated in a 358
state with higher minimum coverage amounts. 359

Requires the primary insurance to cover a claim when either a 360
dispute exists as to who was the operator at the time of the loss 361
or whether the shared vehicle was returned to the proper location. 362

Removes the requirement that the peer-to-peer car sharing 363
program examine the insurance policy of the shared vehicle owner 364
or shared vehicle driver (to determine if car sharing coverage is 365
excluded) if the owner or driver refuses coverage provided by the 366
program. 367

_____ moved to amend as follows:

1 In line 8923, before the first underlined quotation mark
2 insert "(1)"

3 After line 8926, insert:

4 "(2) "Lead entity" means the award recipient and the
5 responsible party with whom the department of development
6 executes a grant agreement for the grant funds."

7 In line 8927, before the first underlined quotation mark
8 insert "(3)"

9 In line 8933, before the first underlined quotation mark
10 insert "(4)"

11 Delete lines 8948 to 8955 and insert:

12 "(4) To streamline funding through the program, each county
13 shall have one lead entity. If the county contains a county land
14 reutilization corporation, that corporation shall be the lead
15 entity. If the county does not contain a county land
16 reutilization corporation, the board of county commissioners
17 shall submit a lead entity letter of intent and any other
18 documentation required by the director to the department in

SC3100

19 order for the department to select a lead entity for that
20 county.

21 (5) The lead entity of each county shall submit all grant
22 applications for that county. The lead entity shall submit with
23 a grant application any agreements executed between the lead
24 entity with other recipients that will receive grant money
25 through the lead entity, if applicable. Such recipients may
26 include local governments, nonprofit organizations, community
27 development corporations, regional planning commissions, county
28 land reutilization corporations, and community action agencies."

29 In line 8968, delete "county" and insert "lead entity"

30 In line 8970, delete "county" and insert "lead entity"

31 Delete lines 8995 to 9002 and insert:

32 "(4) To streamline funding through the program, each county
33 shall have one lead entity. If the county contains a county land
34 reutilization corporation, that corporation shall be the lead
35 entity. If the county does not contain a county land
36 reutilization corporation, the board of county commissioners
37 shall submit a lead entity letter of intent and any other
38 documentation required by the director to the department in
39 order for the department to select a lead entity for that
40 county.

41 (5) The lead entity of each county shall submit all grant
42 applications for that county. The lead entity shall submit with

43 a grant application any agreements executed between the lead
44 entity with other recipients that will receive grant money
45 through the lead entity, if applicable. Such recipients may
46 include local governments, nonprofit organizations, community
47 development corporations, regional planning commissions, county
48 land reutilization corporations, and community action agencies."

49 The motion was _____ agreed to.

50 SYNOPSIS

51 **Brownfield Remediation Program**

52 **R.C. 122.6511**

53 Modifies a provision of the bill requiring boards of county
54 commissioners to submit grant applications under the Brownfield
55 Remediation Program to instead require each county to have a
56 designated lead entity to apply and receive the grant money for
57 that county under the Program.

58 Requires the lead entity to be either:

59 - A county land reutilization corporation (a.k.a. land
60 bank) if that county has one within it; or

61 - Selected by the Department of Development (DOD) from
62 recommendations made by the board of county commissioners of
63 that county.

64 Accordingly modifies the bill's provisions to require the
65 lead entity to submit with a grant application any agreements
66 between that lead entity and other recipients that will receive
67 grant money through that lead entity, if applicable (rather than
68 the county, as in the bill).

69 Retains the bill's provision specifying that grant
70 recipients may include local governments, nonprofit

SC3100

71 organizations, community development corporations, regional
72 planning commissions, land banks, and community action agencies.

73 Modifies the bill's provisions concerning initial and
74 amended grant applications to specify that the lead entity,
75 rather than the county, may submit an initial application and
76 later amend that application.

77 **Building Demolition and Site Revitalization Program**

78 **R.C. 122.6512**

79 Includes the above provisions governing lead entities in
80 the law governing the Building Demolition and Site
81 Revitalization Program, thus codifying the current practices of
82 the DOD regarding that program.

_____ moved to amend as follows:

1 In line 222808, delete "\$32,065,000" and insert

2 "\$35,065,000"

3 In line 222830, add \$3,000,000 to fiscal year 2024

4 In line 222876, add \$3,000,000 to fiscal year 2024

5 In line 223157, delete "1956H3" and insert "1956H2"

6 After line 223160, insert:

7 "(P) Of the foregoing appropriation item 1956H2, One Time
8 Priority Projects, \$3,000,000 in FY 2024 shall be used to
9 support runway improvements and extensions for the Youngstown-
10 Warren Regional Airport in Trumbull County. An amount equal to
11 the unexpended, unencumbered portion of this appropriation at
12 the end of fiscal year 2024 is hereby reappropriated for the
13 same purposes in fiscal year 2025."

14 In line 233976, after "Fund" insert "(Fund 5A00)"

15 The motion was _____ agreed to.

16

SYNOPSIS

17

Department of Development

18

Sections 259.10, 259.30, and 516.30

19

20

21

22

23

24

Appropriates \$3,000,000 in FY 2024 under Fund 5A00 ALI 1956H2, One Time Priority Projects, and earmarks the amount for runway improvements and extensions at the Youngstown-Warren Regional Airport in Trumbull County. Reappropriates the unexpended, unencumbered portion of this appropriation for the same purpose in FY 2025.

25

26

Makes an LSC technical correction to correct a line item number and include a missing fund number.

_____ moved to amend as follows:

1 In line 9531, after "project" insert ", but not sooner than
2 July 1, 2024,"

3 In line 9598, delete "(I)" and insert "(H)"

4 In line 9667, delete "under section 5703.19 of the"

5 In line 9668, delete "Revised Code and"

6 Delete lines 9696 through 9713 and insert:

7 "(I) (1) A production company to which a tax credit
8 certificate is issued under division (H) of this section may
9 transfer the authority to claim all or a portion of the amount
10 of the tax credit the production company is authorized to claim
11 pursuant to that certificate under section 5726.59, 5747.67, or
12 5751.55 of the Revised Code to one or more other persons. Within
13 thirty days after a transfer under this division, the production
14 company shall submit the following information to the director
15 of development, on a form prescribed by the director:

16 (a) Information necessary for the director to identify the
17 certificate that is the basis for the transfer;

18 (b) The portion or amount of the tax credit transferred to
19 each transferee;

20 (c) The portion or amount of the tax credit that the
21 production company retains the authority to claim;

22 (d) The tax identification number of each transferee;

23 (e) The date of the transfer;

24 (f) Any other information required by the director;

25 (g) Any information required by the tax commissioner.

26 The director shall deliver a copy of any submission
27 received under division (I)(1) of this section to the tax
28 commissioner.

29 (2) A transferee may not claim a credit under section
30 5726.59, 5747.67, or 5751.55 of the Revised Code unless and
31 until the transferring production company complies with division
32 (I)(1) of this section. A transferee may claim the transferred
33 amount of any credit or portion of a credit for the same taxable
34 year or tax period for which the transferring production company
35 was authorized to claim the credit or portion of a credit
36 pursuant to the certificate. A production company shall make no
37 transfer under division (I)(1) of this section after the last
38 day of the tax period or taxable year for which the production
39 company is required to claim the credit pursuant to the
40 certificate.

41 A production company may make not more than one transfer
42 under division (I)(1) of this section for each tax credit
43 certificate, but pursuant to that transaction, may allocate the

44 authority to claim a portion of the credit to more than one
45 transferee. A production company may not authorize more than one
46 transferee to claim the same portion of a credit. No transferee
47 may transfer the right to claim the credit to another person."

48 Delete lines 99109 and 99110

49 In line 107095, delete "Nothing in this section allows a
50 person"

51 Delete line 107096

52 Delete lines 108122 and 108123

53 The motion was _____ agreed to.

54 SYNOPSIS

55 **Production company capital improvement tax credit**

56 **R.C. 122.852, 5726.59, 5747.67, and 5751.55**

57 Makes the following changes to a refundable tax credit for
58 production companies, added in the Senate substitute bill, that
59 complete motion picture or Broadway theater-related capital
60 improvement projects in the state:

61 - Delays from the provision's effective date to July 1,
62 2024, the date on which credit applications may first be
63 submitted.

64 - Limits the transfer of the right to claim the credit to a
65 one-time transfer, but allows a transfer to multiple taxpayers
66 at that time, and requires notice to the Department of
67 Development.

68 - Makes technical and corrective changes.

_____ moved to amend as follows:

1 In line 227743, delete "\$5,266,859,400 \$6,004,394,000" and
2 insert "\$5,267,359,400 \$6,004,894,000"

3 In line 227745, delete "\$19,264,314,000 \$21,253,467,000"
4 and insert "\$19,264,814,000 \$21,253,967,000"

5 In line 227748, add \$500,000 to each fiscal year

6 In line 227750, add \$500,000 to each fiscal year

7 In line 227776, add \$500,000 to each fiscal year

8 After line 228378, insert:

9 **"Section 333.270. LOCKABLE AND TAMPER-EVIDENT CONTAINERS**

10 (A) As used in this section:

11 (1) "Lockable container" means a container that meets both
12 of the following requirements:

13 (a) Has special packaging;

14 (b) Has a locking mechanism that can be unlocked in any of
15 the following ways:

16 (i) Physically by using a key or other object capable of
17 unlocking a locked container;

SC3123

18 (ii) Physically by entering a numeric or alphanumeric
19 combination code that is selected by the patient or an
20 individual acting on behalf of the patient;

21 (iii) Electronically by entering a password or code that is
22 selected by the patient or an individual acting on behalf of the
23 patient.

24 (2) "Drug used in medication-assisted treatment" has the
25 same meaning as in section 5119.19 of the Revised Code.

26 (3) "Prescriber" has the same meaning as in section 4729.01
27 of the Revised Code.

28 (4) "Special packaging" has the same meaning as in the
29 "Poison Prevention Packaging Act of 1970," 15 U.S.C. 1471.

30 (5) "Tamper-evident container" means a container that meets
31 both of the following requirements:

32 (a) Has special packaging;

33 (b) Displays a visual sign when there is unauthorized entry
34 into the container or has a numerical display of the time that
35 the container was last opened.

36 (B) Subject to division (C) of this section, during fiscal
37 year 2024 and fiscal year 2025, the Department of Medicaid shall
38 reimburse any pharmacist or prescriber that seeks reimbursement
39 for expenses related to the following:

40 (1) Pharmacists for costs related to dispensing drugs used
41 in medication-assisted treatment in lockable containers or
42 tamper-evident containers;

43 (2) Prescribers for costs related to personally furnishing
44 drugs used in medication-assisted treatment in lockable
45 containers or tamper-evident containers.

46 (C) Reimbursement may be sought for the period provided in
47 division (B) of this section, or until funds appropriated for
48 the reimbursement are expended, whichever occurs first.

49 (D) Of the foregoing appropriation item 651525, Medicaid
50 Health Care Services, \$500,000 state share in each fiscal year
51 shall be used for the reimbursement described in this section."

52 The motion was _____ agreed to.

53 SYNOPSIS

54 **Department of Medicaid**

55 **Section 333.10**

56 Increases GRF line item 651525, Medicaid Health Care
57 Services, by \$500,000 in each fiscal year (state share only).

58 **Lockable and tamper-evident containers**

59 **Section 333.270**

60 Restores a House-added provision that was removed by the
61 Senate substitute bill that requires the Department of Medicaid,
62 during FY 2024 and FY 2025, to reimburse pharmacists and
63 physicians for expenses related to dispensing or personally
64 furnishing, respectively, drugs used in medication-assisted

SC3123

65 treatment in lockable containers or tamper-evident containers.
66 Earmarks the increase in GRF line item 651525, Medicaid Health
67 Care Services, to fund this lockable and tamper-evident
68 container reimbursement.

_____ moved to amend as follows:

1 In line 96986, after "(D)" insert "(1) If a parcel subject
2 to the partial exemption authorized by this section is valued at
3 its current value for agricultural use under section 5713.31 of
4 the Revised Code, the county auditor shall regularly inspect the
5 parcel to determine whether a conversion of land devoted
6 exclusively to agricultural use, as defined in section 5713.30
7 of the Revised Code, has occurred. Nothing in this section shall
8 be construed to limit the authority of a county auditor to levy
9 any recoupment charge pursuant to sections 5713.34 and 5713.35
10 of the Revised Code.

11 (2) Nothing in this section shall be construed to allow a
12 parcel that is not land devoted exclusively to agricultural use,
13 as defined in section 5713.30 of the Revised Code, to be valued
14 at its current value for agricultural use under section 5713.31
15 of the Revised Code.

16 (3)"

17 The motion was _____ agreed to.

18

SYNOPSIS

19

Property tax exemption: residential development land

20

R.C. 5709.56

21

Revises a property tax exemption for residential

22

development land, added by the House, to ensure that any

23

development property that is no longer used as farmland cannot

24

continue to be valued as such for property tax purposes.

Sub. H.B. 33
L-135-0001-5
EDUCD119

_____ moved to amend as follows:

In line 63 of the title, after "3310.032," insert "3310.13," 1

In line 672, after "3310.032," insert "3310.13," 2

After line 37924, insert: 3

"**Sec. 3310.13.** (A) No chartered nonpublic school shall charge 4
any student whose family income is at or below two hundred per 5
cent of the federal poverty guidelines, as defined in section 6
5101.46 of the Revised Code, a tuition fee that is greater than 7
the total amount paid for that student under section 3317.022 of 8
the Revised Code. 9

(B) A chartered nonpublic school may charge any other student 10
who is paid a scholarship under that section up to the difference 11
between the amount of the scholarship and the regular tuition 12
charge of the school. Each chartered nonpublic school may permit 13
such an eligible student's family to provide volunteer services in 14
lieu of cash payment to pay all or part of the amount of the 15
school's tuition not covered by the scholarship paid under section 16
3317.022 of the Revised Code. 17

(C) Each chartered nonpublic school that charges a 18
scholarship student an additional amount as authorized under 19

division (B) of this section shall annually report to the 20
 department of education in the manner prescribed by the department 21
 the following: 22

(1) The number of students charged; 23

(2) The average of the amounts charged to such students. 24

(D) No chartered nonpublic school participating in the 25
educational choice scholarship pilot program shall require the 26
parent of a student to disclose, as part of the school's admission 27
procedure, whether the student's family income is at or below two 28
hundred per cent of the federal poverty guidelines." 29

In line 108810, after "3310.032," insert "3310.13," 30

The motion was _____ agreed to.

SYNOPSIS

Ed Choice scholarship changes 31

R.C. 3310.13 32

Restores a provision of the House-passed version that 33
 prohibits a chartered nonpublic school participating in the Ed 34
 Choice Scholarship Program from requiring a student's parent to 35
 disclose, as part of the school's admission procedure, whether the 36
 student's family income is at or below 200% of the federal poverty 37
 level. 38

_____ moved to amend as follows:

1 After line 169431, insert:

2 "To best serve the interests of primary and secondary
3 education and workforce development in the state of Ohio, and to
4 maximize efficiencies and operations, the state board of
5 education and the department of education and workforce may
6 exchange necessary information and documentation upon request to
7 enable both agencies to effectively perform their functions
8 under state or federal law, including sharing information that
9 is proprietary to the agency or confidential. The agency
10 receiving proprietary or confidential information shall not
11 disclose the information and shall adopt safeguards to prevent
12 disclosure."

13 After line 169878, insert:

14 "(J) To best serve the interests of primary and secondary
15 education and workforce development in the state of Ohio, and to
16 maximize efficiencies and operations, the state board of
17 education and the department of education and workforce may
18 exchange necessary information and documentation upon request to
19 enable both agencies to effectively perform their functions

20 under state or federal law, including sharing information that
21 is proprietary to the agency or confidential. The agency
22 receiving proprietary or confidential information shall not
23 disclose the information and shall adopt safeguards to prevent
24 disclosure."

25 The motion was _____ agreed to.

26 SYNOPSIS

27 **DEW and State Board information sharing**

28 **R.C. 3301.111 and 3301.13**

29 Permits the Department of Education and Workforce (DEW) and
30 the State Board of Education to exchange information and
31 documentation upon request so that they may perform their
32 functions under state and federal law, including sharing
33 proprietary or confidential information.

34 Prohibits DEW and the State Board from disclosing the
35 proprietary or confidential information they receive from each
36 other and, furthermore, requires them to adopt safeguards to
37 prevent that disclosure.

Sub. H.B. 33
L-135-0001-5
DOHCD55

_____ moved to amend as follows:

In line 201 of the title, delete "(3727.39)" and insert 1
"(3727.34)" 2

In line 224 of the title, delete "3727.35, 3727.36, 3727.37, 3
3727.38," 4

In line 771, delete "(3727.39)" and insert "(3727.34)" 5

In line 789, delete "3727.35," 6

In line 790, delete "3727.36, 3727.37, 3727.38," 7

Delete lines 54748 through 55071, and insert: 8

"Sec. 3727.31. As used in sections 3727.31 to 3727.34 of the 9
Revised Code: 10

(A) "Hospital" has the same meaning as in section 3722.01 of 11
the Revised Code, notwithstanding the meaning of that term in 12
3727.01 of the Revised Code. 13

(B) "Federal price transparency law" means section 2718(e) of 14
the "Public Health Service Act," 42 U.S.C. 300gg-18, and hospital 15
price transparency rules adopted by the United States department 16
of health and human services and the United States centers for 17
medicare and medicaid services implementing that section, 18

including the rules and requirements under 45 C.F.R. 180.

19

Sec. 3727.32. (A) Each hospital located in the state shall
comply with the federal price transparency law.

20

21

(B) If a patient or patient guarantor believes that a
violation of division (A) of this section has occurred, the
patient or patient guarantor may submit a complaint to the
director of health and the director shall refer the violation to
the United States centers for medicare and medicaid services.

22

23

24

25

26

(C) The director shall create a list of noncompliant
hospitals. The list of noncompliant hospitals shall include any
hospital that is subject to an order imposing a civil monetary
penalty under 45 C.F.R. 180.90.

27

28

29

30

(D) Not later than ninety days after the effective date of
this section, the director shall create the initial list of
noncompliant hospitals and include the list on the internet web
site maintained by the department of health. The director shall
update the list and web site at least every thirty days
thereafter.

31

32

33

34

35

36

Sec. 3727.33. (A) The director of health shall include in the
list of noncompliant hospitals created and updated in accordance
with section 3727.32 of the Revised Code any notice of the
imposition of a civil monetary penalty issued by the United States
centers for medicare and medicaid services, or a successor agency,
for violation of the federal price transparency law.

37

38

39

40

41

42

(B) If a hospital elects to request a hearing and appeal such
a civil monetary penalty, the director of health, upon receiving
notification from the hospital, with appropriate documentation, or
from the United States centers for medicare and medicaid services,

43

44

45

46

shall do all of the following: 47

(1) Indicate in the posting that the civil monetary penalty is under review; 48
49

(2) If the civil monetary penalty is upheld, in whole, by a final and binding decision, maintain the posting of the imposition of a civil monetary penalty; 50
51
52

(3) If the civil monetary penalty is upheld, in part, by a final and binding decision, modify the posting to conform to the adjudicated finding; 53
54
55

(4) If the civil monetary penalty is overturned in full by a final and binding decision, remove the notice of the imposition of a civil monetary penalty from the public posting. 56
57
58

Sec. ~~3727.44~~ 3727.34. The director of health may adopt rules 59
to carry out the purposes of sections ~~3727.42 and 3727.43~~ 3727.32 60
and 3727.33 of the Revised Code. All rules adopted pursuant to 61
this section shall be adopted in accordance with Chapter 119. of 62
the Revised Code." 63

The motion was _____ agreed to.

SYNOPSIS

Hospital price transparency 64

R.C. 3727.31 through 3727.34; R.C. 3727.35 through 3727.39 65
(removed) 66

Requires hospitals to adhere to federal price transparency 67
laws but removes language duplicating those laws in the Revised 68
Code. 69

Requires the Director of Health to refer alleged violations 70
of the federal price transparency laws to the U.S. Centers for 71
Medicare and Medicaid Services (CMS) for investigation and 72
enforcement. 73

Requires the Director to compile a list of noncompliant 74
hospitals (i.e., hospitals penalized by CMS) and post the list to 75
a web site maintained by the Department of Health. 76

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 115 of the title, after "4501.21," insert "4501.27," 1

In line 710, after "4501.21," insert "4501.27," 2

After line 64389, insert: 3

"**Sec. 4501.27.** (A) Except as provided in division (B) of this 4
section, on and after September 13, 1997, the registrar of motor 5
vehicles, and any employee or contractor of the bureau of motor 6
vehicles, shall not knowingly disclose or otherwise make available 7
to any person or entity any personal information about an 8
individual that the bureau obtained in connection with a motor 9
vehicle record. 10

(B)(1) On and after September 13, 1997, the registrar, or an 11
employee or contractor of the bureau of motor vehicles, shall 12
disclose personal information, other than sensitive personal 13
information, about an individual that the bureau obtained in 14
connection with a motor vehicle record, for use in connection with 15
any of the following matters to carry out the purposes of any 16
specified federal automobile-related act: 17

(a) Motor vehicle or driver safety and theft; 18

(b) Motor vehicle emissions; 19

(c) Motor vehicle product alterations, recalls, or 20

advisories;	21
(d) Performance monitoring of motor vehicles and dealers by motor vehicle manufacturers;	22 23
(e) Removal of non-owner records from the original owner records of motor vehicle manufacturers.	24 25
(2) In addition to the disclosure required under division (B)(1) of this section, on and after September 13, 1997, the registrar, or an employee or contractor of the bureau of motor vehicles, may disclose personal information, other than sensitive personal information, about an individual that the bureau obtained in connection with a motor vehicle record, as follows:	26 27 28 29 30 31
(a) For the use of a government agency, including, but not limited to, a court or law enforcement agency, in carrying out its functions, or for the use of a private person or entity acting on behalf of an agency of this state, another state, the United States, or a political subdivision of this state or another state in carrying out its functions;	32 33 34 35 36 37
(b) For use in connection with matters regarding motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts, and dealers; motor vehicle market research activities, including, but not limited to, survey research; and removal of non-owner records from the original owner records of motor vehicle manufacturers;	38 39 40 41 42 43 44
(c) For use in the normal course of business by a legitimate business or an agent, employee, or contractor of a legitimate business, but only for one of the following purposes:	45 46 47
(i) To verify the accuracy of personal information submitted to the business, agent, employee, or contractor by an individual;	48 49

(ii) If personal information submitted to the business, 50
agent, employee, or contractor by an individual is incorrect or no 51
longer is correct, to obtain the correct information, but only for 52
the purpose of preventing fraud, by pursuing legal remedies 53
against, or recovering on a debt or security interest against, the 54
individual. 55

(d) For use in connection with a civil, criminal, 56
administrative, or arbitral proceeding in a court or agency of 57
this state, another state, the United States, or a political 58
subdivision of this state or another state or before a 59
self-regulatory body, including, but not limited to, use in 60
connection with the service of process, investigation in 61
anticipation of litigation, or the execution or enforcement of a 62
judgment or order; 63

(e) Pursuant to an order of a court of this state, another 64
state, the United States, or a political subdivision of this state 65
or another state; 66

(f) For use in research activities or in producing 67
statistical reports, provided the personal information is not 68
published, redisclosed, or used to contact an individual; 69

(g) For use by an insurer, insurance support organization, or 70
self-insured entity, or by an agent, employee, or contractor of 71
that type of entity, in connection with any claims investigation 72
activity, anti-fraud activity, rating, or underwriting; 73

(h) For use in providing notice to the owner of a towed, 74
impounded, immobilized, or forfeited vehicle; 75

(i) For use by any licensed private investigative agency or 76
licensed security service for any purpose permitted under division 77
(B)(2) of this section; 78

(j) For use by an employer or by the agent or insurer of an employer to obtain or verify information relating to the holder of a commercial driver's license or permit that is required under the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 3207-170, 49 U.S.C. 2701, et seq., as now or hereafter amended;

(k) For use in connection with the operation of a private toll transportation facility;

(l) For any use not otherwise identified in division (B)(2) of this section that is in response to a request for individual motor vehicle records, if the individual whose personal information is requested completes and submits to the registrar or deputy registrar a form prescribed by the registrar by rule giving express consent to such disclosures.

(m) For bulk distribution for surveys, marketing, or solicitations, if the individual whose personal information is requested completes and submits to the registrar or a deputy registrar a form prescribed by the registrar by rule giving express consent to such disclosures.

(n) For use by a person, state, or state agency that requests the information, if the person, state, or state agency demonstrates that it has obtained the written consent of the individual to whom the information pertains;

(o) For any other use specifically authorized by law that is related to the operation of a motor vehicle or to public safety.

(3)(a) Except as provided in division (B)(3)(b) of this section, the registrar, or an employee or contractor of the bureau of motor vehicles, may disclose sensitive personal information about an individual that the bureau obtained in connection with a motor vehicle record, only if either of the following conditions

are satisfied: 108

(i) The individual whose personal information is requested 109
completes and submits to the registrar or deputy registrar a form 110
prescribed by the registrar by rule giving express consent to such 111
disclosure; 112

(ii) The disclosure is for one or more of the purposes 113
described in division (B)(2)(a), (d), (g), or (j) of this section. 114

(b) Division (B)(3)(a) of this section does not apply to the 115
disclosure of sensitive personal information that is subject to 116
section 4501.15 or 4507.53 of the Revised Code. 117

(4) Notwithstanding section 4507.53 of the Revised Code or 118
any provision of this section, the registrar, or an employee or 119
contractor of the bureau of motor vehicles, may disclose an 120
individual's photograph or digital image to the department of job 121
and family services for purposes of including the photograph or 122
digital image on an electronic benefits transfer card used in the 123
supplemental nutrition assistance program. 124

(C) On and after September 13, 1997, an authorized recipient 125
of personal information about an individual that the bureau of 126
motor vehicles obtained in connection with a motor vehicle record, 127
other than a recipient under division (B)(2)(l) or (m) of this 128
section, may resell or redisclose the personal information only 129
for a use permitted under division (B)(1), (B)(2)(a) to (k), 130
(B)(2)(n), or (B)(2)(o) of this section. On and after September 131
13, 1997, an authorized recipient of personal information about an 132
individual under division (B)(2)(l) of this section may resell or 133
redisclose the information for any purpose. On and after September 134
13, 1997, an authorized recipient of personal information under 135
division (B)(2)(m) of this section may resell or redisclose the 136
information as specified pursuant to that division. On and after 137

September 13, 1997, an authorized recipient of personal 138
information about an individual under division (B) of this 139
section, other than a recipient under division (B)(2)(1) of this 140
section, that resells or rediscloses any personal information 141
covered by this section must keep for a period of five years a 142
record that identifies each person or entity that receives any of 143
the personal information and the permitted purpose for which the 144
information is to be used, and must make all such records 145
available to the registrar of motor vehicles upon the registrar's 146
request. 147

(D) The registrar may establish and carry out procedures 148
under which the registrar or the registrar's agents, upon receipt 149
of a request for personal information on or after September 13, 150
1997, that does not satisfy any of the criteria for disclosure of 151
the information that are set forth in division (B)(1) or (2) of 152
this section, may notify the individual about whom the information 153
was requested, by regular mail, that the request was made. Any 154
procedures so adopted shall provide that, if the registrar or an 155
agent of the registrar mails the notice to the individual, the 156
registrar or agent shall include with the notice a copy of the 157
request and conspicuously shall include in the notice a statement 158
that the information will not be released unless the individual 159
waives the individual's right to privacy regarding the information 160
that is granted under this section. 161

(E) The registrar of motor vehicles may adopt any forms and 162
rules, consistent with but no more restrictive than the 163
requirements of Public Law No. 130-322, Title XXX, 18 U.S.C. 164
2721-2725, that are necessary to carry out the registrar's duties 165
under this section on and after September 13, 1997. 166

(F) As used in this section: 167

(1) "Motor vehicle record" means a record that pertains to a motor vehicle driver's or commercial driver's license or permit, a motor vehicle certificate of title, a motor vehicle registration or motor vehicle identification license plates, or an identification card issued by the bureau of motor vehicles.

(2) "Person" has the same meaning as in section 1.59 of the Revised Code and does not include this state, another state, or an agency of this state or another state.

(3) "Personal information" means information that identifies an individual, including, but not limited to, an individual's photograph or digital image, social security number, driver or driver's license identification number, name, telephone number, or medical or disability information, or an individual's address other than the five-digit zip code number. "Personal information" does not include information pertaining to a vehicular accident, driving or traffic violation, or driver's status.

(4) "Specified federal automobile-related act" means the ~~"automobile information disclosure act~~ Automobile Information Disclosure Act," 72 Stat. 325, 15 U.S.C. 1231-1233, the "Motor Vehicle Information and Cost Saving Act," 86 Stat. 947, 15 U.S.C. 1901, et seq., the "National Traffic and Motor Vehicle Safety Act of 1966," 80 Stat. 718, 15 U.S.C. 1381, et seq., the "Anti-car Theft Act of 1992," 106 Stat. 3384, 15 U.S.C. 2021, et seq., and the "Clean Air Act," 69 Stat. 322, 42 U.S.C. 7401, et seq., all as now or hereafter amended.

(5) "Sensitive personal information" means an individual's photograph or digital image, social security number, or medical or disability information."

In line 108848, after "4501.21," insert "4501.27,"

The motion was _____ agreed to.

SYNOPSIS

Photo identification for SNAP EBT cards	197
R.C. 4501.27	198
Permits the BMV to provide an individual's photograph to ODJFS to include on a SNAP benefit card.	199 200

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

- In line 149 of the title, after "5101.28," insert "5101.33," 1
- In line 228 of the title, after "5101.137," insert 2
"5101.331," 3
- In line 735, after "5101.28," insert "5101.33," 4
- In line 792, after "5101.137," insert "5101.331," 5
- After line 83455, insert: 6

- "**Sec. 5101.33.** (A) As used in this section, "benefits" means 7
any of the following: 8
- (1) Cash assistance paid under Chapter 5107. of the Revised 9
Code; 10
- (2) Supplemental nutrition assistance program benefits 11
provided under section 5101.54 of the Revised Code; 12
- (3) Any other program administered by the department of job 13
and family services under which assistance is provided or service 14
rendered; 15
- (4) Any other program, service, or assistance administered by 16
a person or government entity that the department determines may 17
be delivered through the medium of electronic benefit transfer. 18

- (B) ~~The~~ Subject to section 5101.331 of the Revised Code, the 19

department of job and family services may make any payment or 20
delivery of benefits to eligible individuals through the medium of 21
electronic benefit transfer by doing all of the following: 22

(1) Contracting with an agent to supply debit cards to the 23
department of job and family services for use by such individuals 24
in accessing their benefits and to credit such cards 25
electronically with the amounts specified by the director of job 26
and family services pursuant to law; 27

(2) Informing such individuals about the use of the 28
electronic benefit transfer system and furnishing them with debit 29
cards and information that will enable them to access their 30
benefits through the system; 31

(3) Arranging with specific financial institutions or 32
vendors, county departments of job and family services, or persons 33
or government entities for individuals to have their cards 34
credited electronically with the proper amounts at their 35
facilities; 36

(4) Periodically preparing vouchers for the payment of such 37
benefits by electronic benefit transfer; 38

(5) Satisfying any applicable requirements of federal and 39
state law. 40

(C) The department may enter into a written agreement with 41
any person or government entity to provide benefits administered 42
by that person or entity through the medium of electronic benefit 43
transfer. A written agreement may require the person or government 44
entity to pay to the department either or both of the following: 45

(1) A charge that reimburses the department for all costs the 46
department incurs in having the benefits administered by the 47
person or entity provided through the electronic benefit transfer 48

system; 49

(2) A fee for having the benefits provided through the 50
electronic benefit transfer system. 51

(D) The department may designate which counties will 52
participate in the medium of electronic benefit transfer, specify 53
the date a designated county will begin participation, and specify 54
which benefits will be provided through the medium of electronic 55
benefit transfer in a designated county. 56

(E) The department may adopt rules in accordance with Chapter 57
119. of the Revised Code for the efficient administration of this 58
section. 59

Sec. 5101.331. (A) Except as otherwise provided in this 60
section, each debit card used to access supplemental nutrition 61
assistance program benefits shall include both of the following: 62

(1) On the front of the card, a color photograph of at least 63
one adult member of the household for which the debit card is 64
issued; 65

(2) On the back of the card, a telephone number that can be 66
called to report suspected fraud under the supplemental nutrition 67
assistance program and the address of a web site where suspected 68
fraud can be reported. 69

(B) Not later than one year after the effective date of this 70
section, the department of job and family services, in 71
consultation with the bureau of motor vehicles and the food and 72
nutrition services of the United States department of agriculture, 73
shall develop a strategy for issuing debit cards that meet the 74
requirements of division (A) of this section. 75

(C) Subject to division (D) of this section, both of the 76

following apply:

77

(1) All new debit cards issued on or after the date that is
six months after the date the department develops the strategy
under division (B) of this section shall meet the requirements of
division (A) of this section.

78

79

80

81

(2) Not later than twelve months after the date the
department develops the strategy under division (B) of this
section, each debit card issued before the date that is six months
after the date the department develops the strategy under division
(B) of this section shall be replaced with a debit card that meets
the requirements of division (A) of this section if the household
for which the debit card was issued continues to participate in
the supplemental nutrition assistance program.

82

83

84

85

86

87

88

89

(D) The requirement of division (A)(1) of this section does
not apply to a debit card issued for a household to which either
of the following applies:

90

91

92

(1) The household does not include any adult members.

93

(2) Each of the adult members of the household is sixty years
of age or older; is blind, disabled, or a victim of domestic
violence; or has religious objections to being photographed.

94

95

96

(E) An adult who meets any of the exemption criteria
specified in division (D)(2) of this section may volunteer to have
a color photograph of the adult included on the front of the debit
card of the adult's household.

97

98

99

100

(F) The department may adopt rules pursuant to section
5101.33 of the Revised Code to implement this section."

101

102

In line 108873, after "5101.28," insert "5101.33,"

103

The motion was _____ agreed to.

SYNOPSIS

Photo identification for SNAP EBT cards 104

R.C. 5101.33 and 5101.331 105

Requires that ODJFS add both a color photo of at least one 106
adult member of the SNAP household and a phone number to report 107
suspected benefit fraud to SNAP benefit cards used. 108

Specifies that ODJFS, in consultation with the BMV and the 109
United States Food and Nutrition Service, develop the strategy to 110
implement photo identification on SNAP benefit cards within one 111
year and then replace existing SNAP benefit cards. 112

Exempts from the photo requirement SNAP households without an 113
adult member and SNAP households where all adults are either age 114
60 or older, blind, disabled, victims of domestic violence, or 115
have religious objections to being photographed. 116

_____ moved to amend as follows:

1 In line 90508, delete "two" and insert "seven and one-half"

2 In line 90520, delete "two" and insert "seven and one-half"

3 In line 90522, delete "two" and insert "seven and one-half"

4 The motion was _____ agreed to.

5 SYNOPSIS

6 **Training for Medicaid presumptive eligibility error rate**

7 **R.C. 5163.103**

8 Increases from 2% to 7.5% the presumptive eligibility error
9 rate threshold, added in the Senate substitute version of the
10 bill, at which a qualified entity or qualified provider must
11 make a corrective action plan or provide training for staff.

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 230 of the title, after "5163.103," insert "5163.51," 1
2

In line 795, after "5163.103," insert "5163.51," 3

After line 90530, insert: 4

"Sec. 5163.51. Unless required by federal law or regulations, 5
the department of medicaid shall not do any of the following 6
related to administration of the medicaid program and medicaid 7
eligibility: 8

(A) Conduct post-enrollment verification of income or 9
nonincome-related eligibility instead of verifying income and 10
nonincome-related eligibility before enrollment; 11

(B) Designate itself as a qualified health entity for the 12
purpose of making presumptive eligibility determinations or for 13
any purpose not expressly authorized by the Revised Code; 14

(C) Accept self-attestation of income or receipt of other 15
health insurance coverage; 16

(D) Request approval from the United States centers for 17
medicare and medicaid services to not exercise both of the 18
following requirements: 19

(1) To periodically check any available income-related data 20

sources to verify eligibility; 21

(2) To comply with the public notice requirements related to 22
proposed changes to the medicaid state plan, as required under 42 23
C.F.R. 447.205, 42 C.F.R. 447.57, and 42 C.F.R. 440.386." 24

After line 236045, insert: 25

"**Section 812.____.** The enactment of section 5163.51 of the 26
Revised Code by this act takes effect on January 1, 2024. If the 27
section necessitates approval of a Medicaid program state plan 28
amendment or Medicaid program waiver before implementation, 29
section 5163.51 of the Revised Code shall not be implemented until 30
the approval of the amendment or waiver or January 1, 2024, 31
whichever is later." 32

The motion was _____ agreed to.

SYNOPSIS

Medicaid, SNAP, and unemployment compensation eligibility 33

R.C. 5163.51; Section 812.____. 34

Prohibits ODM from conducting post-enrollment verification of 35
eligibility, designating itself as a qualified health entity for 36
the purpose of making presumptive eligibility determinations, 37
accepting self-attestation of income or other health insurance 38
coverage, or requesting approval from CMS to not check any 39
available income-related data sources to verify eligibility or 40
comply with public notice requirements related to proposed changes 41
to the Medicaid state plan. 42

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 148 of the title, after "4929.163," insert "5101.04," 1

In line 734, after "4929.163," insert "5101.04," 2

After line 83312, insert: 3

"**Sec. 5101.04.** ~~Notwithstanding~~ (A) Notwithstanding any 4
provision of law or regulation to the contrary, in order to 5
improve the timeliness of public assistance benefit deliveries, to 6
maximize operational efficiencies, increase cost savings, and 7
minimize fraud, the department of job and family services may 8
contract with a third-party commercial consumer reporting agency, 9
in accordance with the "Fair Credit Reporting Act," 15 U.S.C. 1681 10
et seq., for the purpose of assisting the department with 11
eligibility determinations for supplemental nutrition assistance 12
supplemental program benefits, benefits funded by the temporary 13
assistance for needy families block grant, and unemployment 14
compensation benefits. The department shall undertake efforts to 15
incorporate real-time employment and income information into 16
existing verification and eligibility determination procedures. 17

(B) No third-party vendor shall conduct pre-screening 18
activities regarding supplemental nutrition assistance program 19
applicants unless the vendor has entered into a pre-screening 20

agreement with the department." 21

In line 108872, after "4929.163," insert "5101.04," 22

The motion was _____ agreed to.

SYNOPSIS

Pre-screening SNAP applicants 23

R.C. 5101.04 24

Prohibits a third-party vendor from conducting pre-screening 25
activities for SNAP eligibility unless the vendor has entered into 26
an agreement with ODJFS. 27

_____ moved to amend as follows:

1 In line 234 of the title, delete the first "and"; after
2 "5910.021" insert ", and 6301.13"

3 In line 797, delete "and"; after "5910.021" insert ", and
4 6301.13"

5 After line 108762, insert:

6 "Sec. 6301.13. The department of job and family services
7 shall establish a dashboard of training options that are funded
8 by the department, other state agencies, or partnerships entered
9 into with private entities, and are available for students and
10 young adults at no cost. The department shall make the dashboard
11 available on the OhioMeansJobs web site."

12 The motion was _____ agreed to.

13 SYNOPSIS

14 **OhioMeansJobs training dashboard**

15 **R.C. 6301.13**

16 Adds provisions that require ODJFS to establish a dashboard
17 of training to students and young adults for no cost and make
18 the dashboard available on the OhioMeansJobs website.

_____ moved to amend as follows:

1 In line 49567, strike through "fifteen members,"

2 In line 49568, strike through "of whom shall be"; strike
3 through "of the voting"

4 In line 49584, strike through "Of the nonvoting members,
5 two"

6 Strike through lines 49585 through 49589

7 In line 49590, strike through "voting"

8 In line 49607, strike through "member's respective
9 appointing authority" and insert "governor"

10 Strike through lines 49608 through 49614

11 In line 49632, strike through "voting"

12 The motion was _____ agreed to.

13 SYNOPSIS

14 **Broadcast Educational Media Commission**

15 **R.C. 3353.02**

16 Eliminates, from the Broadcast Educational Media
17 Commission, four members of the General Assembly. Under the
18 amendment, the Commission consists of eleven members, including
19 nine persons appointed by the Governor to represent the public,
20 and the Superintendent of Public Instruction and the Chancellor
21 of Higher Education, who serve *ex officio*.

_____ moved to amend as follows:

- 1 In line 222787, delete "\$9,400,000" and insert "\$9,650,000"
- 2 In line 222800, add \$250,000 to fiscal year 2024
- 3 In line 222876, add \$250,000 to fiscal year 2024
- 4 In line 222887, delete "\$250,000" and insert "\$500,000"

5 The motion was _____ agreed to.

6 SYNOPSIS

7 **Department of Development**

8 **Sections 259.10 and 259.20**

9 Increases GRF ALI 195405, Minority Business Development, by
10 \$250,000 in FY 2024 and correspondingly increases the earmark
11 under the ALI by the same amount to conduct a study to assess
12 whether minority-, women-, and veteran-owned businesses face
13 barriers to contracting with the state for goods and services
14 (the earmark for the study increases from \$250,000 to \$500,000).

_____ moved to amend as follows:

1 In line 228466, delete "\$96,539,000 \$96,539,000" and
2 insert "\$100,539,000 \$100,539,000"

3 In line 228474, add \$4,000,000 to each fiscal year

4 In line 228509, add \$4,000,000 to each fiscal year

5 The motion was _____ agreed to.

6 SYNOPSIS

7 **Department of Mental Health and Addiction Services**

8 **Section 337.10**

9 Increases GRF ALI 336421, Continuum of Care Services, by
10 \$4,000,000 in each fiscal year.

_____ moved to amend as follows:

1 In line 222808, delete "\$32,065,000" and insert
2 "\$31,565,000"

3 In line 222830, subtract \$500,000 from fiscal year 2024

4 In line 222876, subtract \$500,000 from fiscal year 2024

5 Delete lines 223118 through 223124

6 Reletter divisions accordingly

7 In line 231677, delete "(B)(1)" and insert "(B) Of the
8 foregoing appropriation item 235688, Super RAPIDS, \$1,000,000 in
9 fiscal year 2024 shall be allocated to the Center for Advanced
10 Manufacturing and Logistics for operating and equipment expenses
11 incurred for providing workforce development, supply chain
12 management, automation, research and development, and
13 entrepreneurship to foster manufacturing and logistic industry
14 jobs and company creation.

15 (C)(1)"

16 The motion was _____ agreed to.

17

SYNOPSIS

18

Department of Development

19

Sections 259.10 and 259.30

20

21

22

23

Removes the \$500,000 earmark in FY 2024 for the Center for Advanced Manufacturing and Logistics under Fund 5A00 ALI 1956H2, One Time Priority Projects, and decreases the ALI by the same amount.

24

Department of Higher Education

25

Section 381.635

26

27

28

29

30

31

32

Earmarks \$1,000,000 in FY 2024 from Fund 5AH1 ALI 235688, Super RAPIDS, to be allocated to the Center for Advanced Manufacturing and Logistics for operating and equipment expenses incurred for providing workforce development, supply chain management, automation, research and development, and entrepreneurship to foster manufacturing and logistic industry jobs and company creation.

_____ moved to amend as follows:

1 In line 81176, strike through "Within"; delete "forty-
2 five"; strike through "days after receiving a"

3 Strike through line 81177

4 In line 81178, strike through "the permit."; after
5 "application" insert ", in accordance with Chapter 119. of the
6 Revised Code,"

7 In line 81215, strike through the second "the" and insert
8 "one of the following:

9 (a) The"

10 In line 81220, strike through the period; after the
11 quotation mark insert an underlined semicolon

12 After line 81220, insert:

13 "(b) A national standard for ambulance construction
14 approved by the American national standards institute, "ANSI",
15 in effect at the time the ambulance was manufactured.

16 (c) A standard for ambulance construction approved by the
17 commission on accreditation of ambulance services, "CAAS", in
18 effect at the time the ambulance was manufactured."

19 The motion was _____ agreed to.

20

SYNOPSIS

21

Emergency vehicle permits and ambulance inspections

22

R.C. 4766.07

23

24

25

26

27

Eliminates the requirement that the State Board of Emergency Medical, Fire, and Transportation Services issue or deny a permit application for an emergency medical vehicle or aircraft within 45 days (changed from 60 days in current law) of receiving the application;

28

29

Instead, requires the Board, when denying an application, to do so in accordance with the Administrative Procedure Act;

30

31

32

Allows the Board to determine the sufficiency of an ambulance's interior components by applying the following standards:

33

34

1. The national standard for ambulance construction approved by the American National Standards Institute;

35

36

2. A standard for ambulance construction approved by the Commission on Accreditation of Ambulance Services; or

37

3. Specified federal standards, as in current law.

_____ moved to amend as follows:

1 In line 232205, delete "\$15,000,000" and insert
2 "\$16,000,000"

3 In line 232207, add \$1,000,000 to fiscal year 2024

4 In line 232214, add \$1,000,000 to fiscal year 2024

5 In line 233838, delete "\$15,000,000" and insert
6 "\$11,300,000"

7 In line 232259, delete "The" and insert "At the direction
8 of the Secretary of State and in the manner expressly provided
9 for by law, the"

10 In line 232260, after "used" insert "exclusively" and after
11 "the" insert "actual"

12 The motion was _____ agreed to.

13 SYNOPSIS

14 **Secretary of State**

15 **Sections 395.10 and 513.10**

16 Increases Fund 5FG0 ALI 050620, BOE Reimbursement and
17 Education by \$1,000,000 in FY 2024, to a total appropriation of
18 \$16,000,000, and decreases the FY 2023 ending GRF transfer to

SC3177X2

19 the BOE Reimbursement and Education Fund (Fund 5FG0) by
20 \$3,700,000 to a new total of \$11,300,000.

21 Specifies that Fund 5FG0 ALI 050620, BOE Reimbursement and
22 Education, be used at the direction of the Secretary of State to
23 pay only the actual costs of the August 8, 2023 special
24 election.

_____ moved to amend as follows:

1 In line 230232, delete "\$2,096,519,000 \$2,117,484,000"

2 and insert "\$2,098,704,372 \$2,121,751,939"

3 In line 230269, add \$2,185,372 to fiscal year 2024 and
4 \$4,267,939 to fiscal year 2025

5 In line 230295, add \$2,185,372 to fiscal year 2024 and
6 \$4,267,939 to fiscal year 2025

7 In line 231012, delete "\$482,786,628" and insert
8 "\$484,972,000"; delete "\$487,619,061" and insert "\$491,887,000"

9 The motion was _____ agreed to.

10 SYNOPSIS

11 **Department of Higher Education**

12 **Sections 381.10 and 381.250**

13 Increases GRF ALI 235501, State Share of Instruction, by
14 \$2,185,372 in FY 2024 and \$4,267,939 in FY 2025. Restores to the
15 As Passed by the House version of the bill the earmarks from
16 ALI 235501 for State Share of Instruction subsidy distribution
17 amounts to community colleges.

_____ moved to amend as follows:

1 In line 230244, delete "\$7,750,000 \$5,700,000" and insert
2 "\$7,850,000 \$5,800,000"

3 In line 230269, add \$100,000 to each fiscal year

4 In line 230295, add \$100,000 to each fiscal year

5 After line 231318, insert:

6 "(I) Of the foregoing appropriation item 235533, Program
7 and Project Support, \$100,000 in each fiscal year shall be
8 allocated to support the Kent State University Rising Scholars
9 Program."

10 The motion was _____ agreed to.

11 SYNOPSIS

12 **Department of Higher Education**

13 **Sections 381.10 and 381.410**

14 Increases GRF ALI 235533, Program and Project Support, by
15 \$100,000 in each fiscal year and partially restores the House-
16 passed earmark by the same amounts to support the Kent State
17 University Rising Scholars Program.

_____ moved to amend as follows:

1 In line 39650, after the period insert "For the purpose of
2 calculating the academic component of the evaluation for each
3 sponsor, the department shall use the higher of the sponsor's
4 score for the schools in the sponsor's portfolio as determined
5 by weighting each school based on enrollment or by weighting
6 each school equally."

7 In line 39659, after the period insert "Each sponsor shall
8 submit documentation of the sponsor's adherence to quality
9 practices to the department not later than the fifteenth day of
10 May each year. A sponsor may participate in an interview with
11 the party contracted by the department to assess the quality
12 practices of sponsors and may submit to the department
13 additional documentation as evidence of the sponsor's adherence
14 to quality practices following the interview."

15 In line 39733, strike through "for the"

16 In line 39734, strike through "two most recent years in
17 which the entity was evaluated"

18 After line 235546, insert:

19 **"Section 733.____.** (A) Not later than November 15, 2023, the
20 Department of Education and Workforce shall issue a request for
21 proposals to select a third-party organization to assist in the
22 development of the evaluation framework to be used to determine
23 the performance of sponsors of community schools established
24 under Chapter 3314. of the Revised Code. The Department shall
25 collaborate with community school stakeholders to develop the
26 request for proposals. The Department shall select the
27 organization responsible for developing the new evaluation
28 framework not later than January 1, 2024.

29 (B) The organization selected shall have experience
30 assessing the performance of community school sponsors in
31 multiple states, familiarity with national quality standards for
32 sponsors, and demonstrated knowledge regarding the work done by
33 sponsors.

34 (C) The organization selected shall collaborate with
35 community school stakeholders in developing a portfolio-based
36 sponsor evaluation framework, which shall do at least all of the
37 following:

38 (1) Provide meaningful differentiation of performance by
39 community school sponsors through different overall ratings or
40 performance levels;

41 (2) Include specific performance indicators, metrics, and
42 performance standards;

43 (3) Specify the frequency with which sponsors should be
44 assessed;

45 (4) Include recommendations for incentives for high-
46 performing sponsors and consequences for consistently
47 underperforming sponsors.

48 (D) The selected organization shall submit the proposed
49 portfolio-based sponsor evaluation framework to the General
50 Assembly, in accordance with section 101.68 of the Revised Code,
51 not later than June 30, 2024.

52 (E) Notwithstanding anything to the contrary in section
53 3314.016 of the Revised Code, both of the following apply:

54 (1) The Department shall post the evaluation system for the
55 2023-2024 school year on its web site not later than October 1,
56 2023.

57 (2) The Department shall evaluate a sponsor for the 2024-
58 2025 school year only if the sponsor received an overall rating
59 of "ineffective" on the sponsor's most recent evaluation or the
60 sponsor is a new sponsor that has not been evaluated previously;
61 however, any other sponsor may choose to be evaluated for that
62 school year."

63 The motion was _____ agreed to.

64

SYNOPSIS

65

Community school sponsor rating changes

66

R.C. 3314.016

67 Requires the Department of Education and Workforce (DEW) to
68 use the higher of a community school sponsor's academic
69 component score for the schools in the sponsor's portfolio as
70 determined by weighting each school based on enrollment or by
71 weighting each school equally.

72 Requires each community school sponsor to submit
73 documentation of adherence to quality practices by May 15 of
74 each year and permits the sponsor to participate in an interview
75 to assess those practices.

76 Makes all "exemplary" sponsors eligible for statutory
77 incentives, rather than only sponsors rated "exemplary" for the
78 two most recent school years.

79

Community school sponsor evaluations framework proposals

80

Section 733. __

81 Requires the Department of Education and Workforce (DEW),
82 by November 15, 2023, to issue a request for proposals, and by
83 January 1, 2024, select from those proposals a third-party
84 organization to assist in the development of a portfolio-based
85 sponsor evaluation framework to determine performance of
86 community school sponsors.

87 Requires the selected organization to work with
88 stakeholders to develop a proposal and submit its proposed
89 framework to the General Assembly by June 30, 2024.

90 Establishes specific objectives the framework must satisfy.

91 Requires the Department to post the 2023-2024 evaluation
92 system on its web site not later than October 1, 2023.

93 Specifies that the Department must only evaluate a sponsor
94 for the 2024-2025 school year if the sponsor received an overall
95 rating of "ineffective" on the sponsor's most recent evaluation
96 or the sponsor is a new sponsor that has not been evaluated
97 previously but permits any other sponsor to choose to be
98 evaluated for that school year.

_____ moved to amend as follows:

1 In line 12490, delete "fifty" and insert "sixty"

2 In line 12498, after "director" insert "and county
3 commissioners association of Ohio"

4 In line 12508, delete "resulting from" and insert "during
5 the time of and immediately preceding and following"

6 In line 12530, delete "current"; after "year" insert "in
7 which the sales tax holiday is held"

8 In line 233703, after "Management" insert "and the County
9 Commissioners Association of Ohio"

10 The motion was _____ agreed to.

11 SYNOPSIS

12 **Expanded sales tax holiday**

13 **R.C. 131.44; Section 510.10**

14 Modifies a provision added in the Senate substitute bill
15 that authorizes expanded sales tax holidays, as follows:

16 - Increases the amount of surplus revenue required at the
17 end of a fiscal year to trigger a sales tax holiday beginning
18 after FY 2024, from \$50 million to \$60 million.

SC3225

19 - Provides that reimbursements paid to the GRF, LGF, PLF,
20 and Permissive Tax Distribution Fund will be made in the same
21 proportions as sales tax revenue is distributed for the same
22 August in which the sales tax holiday is held, rather than the
23 previous August.

24 - Requires TAX and OBM to consult with the County
25 Commissioners' Association of Ohio when determining the length
26 of a sales tax holiday.

27 - Specifies that, when determining the length of a sales
28 tax holiday, the parties must consider changes in consumer
29 behavior during the holiday and the time preceding and following
30 the holiday. The provision currently requires the parties to
31 consider behavior changes "resulting from" the holiday.

_____ moved to amend as follows:

- 1 In line 231641, delete "all" and insert "both"
- 2 Delete lines 231643 through 231646
- 3 In line 231647, delete "(b)" and insert "(1)"
- 4 In line 231649, after the semicolon insert "and"
- 5 In line 231650, delete "(c)" and insert "(2)"

6 The motion was _____ agreed to.

7 SYNOPSIS

8 **Department of Higher Education**

9 **Section 381.630**

10 Removes awarding need-based financial aid to students who
11 are enrolled in a credit or noncredit program that may be
12 completed in less than one year and for which a certificate or
13 industry-recognized credential is awarded in an in-demand job as
14 a use of funding from Fund 5NH0 ALI 235517, Talent Ready Grant
15 Program.

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 64 of the title, after "3313.33," insert "3313.41,
3313.411" 1
2

In line 72 of the title, after "3317.25," insert "3318.08," 3

In line 673, after "3313.33," insert "3313.41, 3313.411," 4

In line 679, after "3317.25," insert "3318.08," 5

After line 38187, insert: 6

"**Sec. 3313.41.** (A) Except as provided in divisions (C), (D), 7
and (F) of this section and in sections 3313.412 and 3313.413 of 8
the Revised Code, when a board of education decides to dispose of 9
real or personal property that it owns in its corporate capacity 10
and that exceeds in value ten thousand dollars, it shall sell the 11
property at public auction, after giving at least thirty days' 12
notice of the auction by publication in a newspaper of general 13
circulation in the school district, by publication as provided in 14
section 7.16 of the Revised Code, or by posting notices in five of 15
the most public places in the school district in which the 16
property, if it is real property, is situated, or, if it is 17
personal property, in the school district of the board of 18
education that owns the property. Not less than thirty days before 19
the auction, the board shall advertise an auction for real 20

property on a major commercial real estate web site. The board may 21
offer real property for sale as an entire tract or in parcels. 22

In an auction for real property, the board may set a minimum 23
amount that the board will accept as a winning bid, provided that 24
amount is disclosed to all auction participants and is not greater 25
than the appraised fair market value of the property as determined 26
by an appraisal, as defined in section 3313.411 of the Revised 27
Code, of the property. 28

In evaluating bids, a board shall not reject the bid of a 29
qualified party, as defined in section 3313.411 of the Revised 30
Code, or a private person that proposes to lease or otherwise make 31
the property available to a qualified party if the party or person 32
complies with reasonable and customary requirements imposed by the 33
board on all auction participants regarding proof of funds and 34
similar matters and the party or person makes the highest bid. 35

(B) When the board of education has offered real or personal 36
property for sale at public auction at least once pursuant to 37
division (A) of this section, and the property has not been sold, 38
the board may sell it at a private sale. Regardless of how it was 39
offered at public auction, at a private sale, the board shall, as 40
it considers best, sell real property as an entire tract or in 41
parcels, and personal property in a single lot or in several lots. 42

(C) ~~If~~ Subject to section 3313.411 of the Revised Code, if a 43
board of education decides to dispose of real or personal property 44
that it owns in its corporate capacity and that exceeds in value 45
ten thousand dollars, it may sell the property to the adjutant 46
general; to any subdivision or taxing authority as respectively 47
defined in section 5705.01 of the Revised Code, township park 48
district, board of park commissioners established under Chapter 49
755. of the Revised Code, or park district established under 50

Chapter 1545. of the Revised Code; to a wholly or partially 51
tax-supported university, university branch, or college; to a 52
nonprofit institution of higher education that has a certificate 53
of authorization under Chapter 1713. of the Revised Code; to the 54
governing authority of a chartered nonpublic school; or to the 55
board of trustees of a school district library, upon such terms as 56
are agreed upon. The sale of real or personal property to the 57
board of trustees of a school district library is limited, in the 58
case of real property, to a school district library within whose 59
boundaries the real property is situated, or, in the case of 60
personal property, to a school district library whose boundaries 61
lie in whole or in part within the school district of the selling 62
board of education. 63

(D) When a board of education decides to trade as a part or 64
an entire consideration, an item of personal property on the 65
purchase price of an item of similar personal property, it may 66
trade the same upon such terms as are agreed upon by the parties 67
to the trade. 68

(E) The president and the treasurer of the board of education 69
shall execute and deliver deeds or other necessary instruments of 70
conveyance to complete any sale or trade under this section. 71

(F) When a board of education has identified a parcel of real 72
property that it determines is needed for school purposes, the 73
board may, upon a majority vote of the members of the board and 74
subject to the board's obligation to comply with section 3313.411 75
of the Revised Code, acquire that property by exchanging real 76
property that the board owns in its corporate capacity for the 77
identified real property or by using real property that the board 78
owns in its corporate capacity as part or an entire consideration 79
for the purchase price of the identified real property. Any 80
exchange or acquisition made pursuant to this division shall be 81

made by a conveyance executed by the president and the treasurer 82
of the board. 83

(G) When a school district board of education has property 84
that the board, by resolution, finds is not needed for school 85
district use, is obsolete, or is unfit for the use for which it 86
was acquired, the board may donate that property in accordance 87
with this division if the fair market value of the property is, in 88
the opinion of the board, two thousand five hundred dollars or 89
less. 90

The property may be donated to an eligible nonprofit 91
organization that is located in this state and is exempt from 92
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 93
Before donating any property under this division, the board shall 94
adopt a resolution expressing its intent to make unneeded, 95
obsolete, or unfit-for-use school district property available to 96
these organizations. The resolution shall include guidelines and 97
procedures the board considers to be necessary to implement the 98
donation program and shall indicate whether the school district 99
will conduct the donation program or the board will contract with 100
a representative to conduct it. If a representative is known when 101
the resolution is adopted, the resolution shall provide contact 102
information such as the representative's name, address, and 103
telephone number. 104

The resolution shall include within its procedures a 105
requirement that any nonprofit organization desiring to obtain 106
donated property under this division shall submit a written notice 107
to the board or its representative. The written notice shall 108
include evidence that the organization is a nonprofit organization 109
that is located in this state and is exempt from federal income 110
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 111
the organization's primary purpose; a description of the type or 112

types of property the organization needs; and the name, address, 113
and telephone number of a person designated by the organization's 114
governing board to receive donated property and to serve as its 115
agent. 116

After adoption of the resolution, the board shall publish, in 117
a newspaper of general circulation in the school district or as 118
provided in section 7.16 of the Revised Code, notice of its intent 119
to donate unneeded, obsolete, or unfit-for-use school district 120
property to eligible nonprofit organizations. The notice shall 121
include a summary of the information provided in the resolution 122
and shall be published twice. The second notice shall be published 123
not less than ten nor more than twenty days after the previous 124
notice. A similar notice also shall be posted continually in the 125
board's office. If the school district maintains a web site on the 126
internet, the notice shall be posted continually at that web site. 127

The board or its representatives shall maintain a list of all 128
nonprofit organizations that notify the board or its 129
representative of their desire to obtain donated property under 130
this division and that the board or its representative determines 131
to be eligible, in accordance with the requirements set forth in 132
this section and in the donation program's guidelines and 133
procedures, to receive donated property. 134

The board or its representative also shall maintain a list of 135
all school district property the board finds to be unneeded, 136
obsolete, or unfit for use and to be available for donation under 137
this division. The list shall be posted continually in a 138
conspicuous location in the board's office, and, if the school 139
district maintains a web site on the internet, the list shall be 140
posted continually at that web site. An item of property on the 141
list shall be donated to the eligible nonprofit organization that 142

first declares to the board or its representative its desire to
 obtain the item unless the board previously has established, by
 resolution, a list of eligible nonprofit organizations that shall
 be given priority with respect to the item's donation. Priority
 may be given on the basis that the purposes of a nonprofit
 organization have a direct relationship to specific school
 district purposes of programs provided or administered by the
 board. A resolution giving priority to certain nonprofit
 organizations with respect to the donation of an item of property
 shall specify the reasons why the organizations are given that
 priority.

Members of the board shall consult with the Ohio ethics
 commission, and comply with Chapters 102. and 2921. of the Revised
 Code, with respect to any donation under this division to a
 nonprofit organization of which a board member, any member of a
 board member's family, or any business associate of a board member
 is a trustee, officer, board member, or employee.

Sec. 3313.411. (A) As used in this section:

~~(1) "College preparatory boarding school" means a
 college preparatory boarding school established under Chapter
 3328. of the Revised Code.~~

~~(2) "Community school" means a community school established
 under Chapter 3314. of the Revised Code.~~

~~(3) Appraisal" means a valuation that is not more than one
 year old of a real property that is performed by an appraiser,
 which includes an opinion of the property's fair market value, and
 which is prepared based on reasonable assumptions about the
 property's use as a school.~~

(2) "Appraiser" means a general real estate appraiser who is

certified under Chapter 4763. of the Revised Code, who has 172
experience appraising school buildings or other real property used 173
for school operations, and who has a membership in and a 174
designation from a nationally recognized organization of real 175
estate appraisers. 176

(3) "High-performing community school" has the same meaning 177
as in section 3313.413 of the Revised Code. 178

(4) "~~STEM school~~" means a science, technology, engineering, 179
and mathematics "Qualified party" means any of the following: 180

(a) The governing authority of a community school established 181
under Chapter 3314. of the Revised Code; 182

(b) The governing body of a STEM school established under 183
Chapter 3326. of the Revised Code; 184

(c) The board of trustees of a college-preparatory boarding 185
school established under Chapter 3328. of the Revised Code. 186

(5) "Unused school facilities" means either any of the 187
following: 188

(a) Any real property that has been used by a school district 189
for school operations, including, but not limited to, academic 190
instruction or administration, since July 1, 1998, but has not 191
been used in that capacity for one year; 192

(b) Any school building that has been used for direct 193
academic instruction but less than sixty per cent of the building 194
was used for that purpose in the preceding school year; 195

(c) Any school building that has been used for direct 196
academic instruction, but which the district board has decided to 197
demolish in whole or in part by eliminating a gross floor area in 198
excess of sixty per cent of the building; 199

(d) Any school building that a district board has decided to dispose of in accordance with division (C) of section 3313.41 of the Revised Code; 200
201
202

(e) Any school building, together with the land on which it is located and all easements and other rights appurtenant to that land, that a district board has decided to exchange for other real property in accordance with division (F) of section 3313.41 of the Revised Code. 203
204
205
206
207

(B)(1) Except as provided in section 3313.412 of the Revised Code, on and after June 30, 2011, any school district board of education shall offer any unused school facilities it owns in its corporate capacity for lease or sale to ~~the governing authorities of community schools, the boards of trustees of any college preparatory boarding schools, and the governing bodies of any STEM schools, that are located within the territory of the district.~~ all qualified parties in the state. The district board shall make the offer by advertising the unused school facility on a major commercial real estate web site for not less than sixty days. 208
209
210
211
212
213
214
215
216
217
218

Not later than sixty days after the district board makes the offer, interested ~~governing authorities, boards of trustees, and governing bodies~~ qualified parties shall notify the district treasurer in writing of the intention to lease or purchase the property. 219
220
221
222
223

The district board shall give priority to the governing authorities of high-performing community schools that are located within the territory of the district. 224
225
226

~~(2) At the same time that a district board makes the offer required under division (B)(1) of this section, the board also may, but shall not be required to,~~ In addition to submitting an 227
228
229

offer as required under division (B)(1) of this section, a 230
district board shall make the same offer that ~~property~~ for sale or 231
lease of that property directly to the governing authorities of 232
community schools with plans, stipulated in their contracts 233
entered into under section 3314.03 of the Revised Code, ~~either to~~ 234
~~relocate to do any of the following:~~ 235

(a) Open a new community school in the territory of the 236
district; 237

(b) Relocate their operations to the territory of the 238
district ~~or to add;~~ 239

(c) Add facilities, as authorized by division (B)(3) or (4) 240
of section 3314.05 of the Revised Code, to be located within the 241
territory of the district. 242

A community school governing authority that receives an offer 243
under division (B)(2) of this section shall notify the district 244
treasurer in writing of the intention to purchase the property not 245
later than sixty days after the district board makes the offer on 246
a major commercial real estate web site. 247

(C)(1) If, not later than sixty days after the district board 248
makes the offer, only one governing authority of a high-performing 249
community school offered the property under division (B) of this 250
section notifies the district treasurer in writing of the 251
intention to purchase the property pursuant to that division, the 252
district board shall sell the property to that party for the 253
appraised ~~fair market~~ value of the property as determined in an 254
appraisal ~~of the property that is not more than one year old.~~ 255

If, not later than sixty days after the district board makes 256
the offer, more than one governing authority of a high-performing 257
community school offered the property under division (B) of this 258
section notifies the district treasurer in writing of the 259

intention to purchase the property pursuant to that division, the
board shall conduct a public auction in the manner required for
auctions of district property under division (A) of section
3313.41 of the Revised Code. Only the governing authorities of
high-performing community schools that notified the district
treasurer of the intention to purchase the property pursuant to
division (B) of this section are eligible to bid at the auction.
The district board is not obligated to accept any bid for the
property that is lower than the appraised fair market value of the
property as determined in an appraisal ~~that is not more than one~~
~~year old.~~

(2) If, not later than sixty days after the district board
makes the offer, no governing authority of a high-performing
community school notifies the district treasurer of its intention
to purchase the property pursuant to division (B) of this section,
the board shall then proceed with the offers from all other
~~start-up community schools, college preparatory boarding schools,~~
~~and STEM schools~~ qualified parties made pursuant to that division.

If only one qualified party notifies the district treasurer
in writing of the intention to purchase or lease the property
pursuant to division (B) of this section, the district board shall
sell the property to that party for the appraised fair market
value of the property as determined in an appraisal of the
property. If more than one ~~such entity~~ qualified party notifies
the district treasurer of its intention to purchase the property
pursuant to division (B) of this section, the board shall conduct
a public auction in the manner required for auctions of district
property under division (A) of section 3313.41 of the Revised
Code. Only the ~~entities~~ qualified parties that notified the
district treasurer pursuant to division (B) of this section are
eligible to bid at the auction.

~~(3) If more than one governing authority of a high performing community school notifies the district treasurer in writing of the intention to lease the property pursuant to division (B) of this section, the district board shall conduct a lottery to select from among those governing authorities the one qualified governing authority to which the district board shall lease the property.~~

~~If no such governing authority of a high performing community school notifies the district treasurer of its intention to lease the property pursuant to division (B) of this section, the board shall then proceed with the offers from all other start-up community schools, college preparatory boarding schools, and STEM schools made pursuant to that division. If more than one other start-up community school, college preparatory boarding school, or STEM school notified the district treasurer of its intention to lease the property pursuant to division (B) of this section, the district board shall conduct a lottery to select from among those parties the one qualified party to which the district board shall lease the property. Not later than sixty days after the district board makes an offer made under division (B) of this section, a qualified party may notify the district treasurer of the party's intent to challenge the appraised fair market value of the property included in the offer. If one or more qualified parties notify the district treasurer and no other qualified party accepts the offer to purchase or lease the property, all of the following apply:~~

~~(a) The district shall notify any qualified party challenging the value that it has been challenged.~~

~~(b) Not later than thirty days after the district issues the notification, the qualified party that first notifies the district treasurer of the party's intent to challenge the value shall~~

select an appraiser to perform an appraisal of the property to 321
determine its fair market value. 322

(c) Not later than ten days after the qualified party selects 323
an appraiser, the party's appraiser and the district's appraiser 324
shall confer and select a third appraiser to perform an appraisal 325
of the property to determine its fair market value. 326

(d) Not later than ten days after the selection of the third 327
appraiser, the appraisers shall either: 328

(i) If the appraisers reach a unanimous decision regarding 329
the appraised fair market value of the property, notify the 330
district and any qualified party challenging the value in a timely 331
manner of their decision regarding the property's value; 332

(ii) If the appraisers do not reach a unanimous decision, the 333
appraisers shall determine the appraised fair market value by 334
averaging the values determined in their appraisals, except that 335
they shall exclude from the average any appraisal with a value 336
that is ten per cent higher or lower than the median fair market 337
value included in the three appraisals. The appraisers shall 338
notify the district and any qualified party challenging the value 339
in a timely manner of the property's determined value. 340

(e) Upon receipt of notification of the appraised fair market 341
value determined by the appraisers, the district board shall offer 342
the property for sale to any qualified party that challenged the 343
value for the appraised fair market value determined by the 344
appraisers. 345

If, not later than sixty days after the district board 346
makes the offer, only one qualified party that challenged the 347
value for the appraised fair market value notifies the district 348
treasurer in writing of the intention to purchase the property, 349

the district board shall sell the property to that party for the 350
appraised fair market value determined by the appraisers. 351

If, not later than sixty days after the district board makes 352
the offer, more than one qualified party notifies the district 353
treasurer of its intention to purchase or lease the property, the 354
board shall conduct a public auction in the manner required for 355
auctions of district property under division (A) of section 356
3313.41 of the Revised Code. Only the qualified parties that 357
challenged the value are eligible to bid at the auction. The 358
district board is not obligated to accept any bid for the property 359
that is lower than the appraised fair market value determined 360
under division (C)(3)(d) of this section. 361

~~(4) The lease price offered by a district board to a~~ 362
~~community school, college preparatory boarding school, or STEM~~ 363
~~school under this section shall not be higher than the fair market~~ 364
~~value for such a leasehold as determined in an appraisal that is~~ 365
~~not more than one year old.~~ 366

~~(5)~~ If no qualified party offered the property under division 367
(B) of this section accepts the offer to ~~lease or~~ buy the property 368
within sixty days after the offer is made, or within sixty days 369
after an offer is made under division (C)(3)(e) of this section, 370
the district board may offer the property to any other entity in 371
accordance with divisions (A) to (F) of section 3313.41 of the 372
Revised Code. If the district board still owns the property two 373
years after that date and the property is still an unused school 374
facility, the district board is subject to this section again with 375
respect to that property. 376

(D) Notwithstanding division (B) of this section, a school 377
district board may renew any agreement it originally entered into 378
prior to June 30, 2011, to lease real property to an entity other 379

than a community school, college-preparatory boarding school, or
STEM school. Nothing in this section shall affect the leasehold
arrangements between the district board and that other entity.

(E)(1) Except as provided in division (E)(2) or (3) of this
section, ~~the governing authority of a community school, board of
trustees of a college preparatory boarding school, or governing
body of a STEM school~~ a qualified party shall not sell any
property purchased under ~~division (B)~~ of this section within ~~five~~
ten years of purchasing that property.

(2) ~~The governing authority, board of trustees, or governing
body~~ A qualified party may sell a property purchased under
~~division (B)~~ of this section within ~~five~~ ten years of the
purchase, only if the ~~governing authority, board of trustees, or
governing body~~ the qualified party sells or transfers that
property to another ~~entity described in that division~~ qualified
party.

(3) A qualified party may sell or lease a property purchased
under division (B) of this section to an individual or entity that
is not a qualified party if, prior to the expiration of the
ten-year term described in division (E)(1) of this section with
respect to that property, both of the following apply:

(a) The individual or entity arranges for the property to be
used by a qualified party for school operations;

(b) The individual or entity does not transfer or sell the
property to an entity other than a qualified party.

(F)(1) No district board shall arrange for any of its unused
school facilities to be demolished prior to offering the property
under division (B) of this section.

(2) Any school building or real property that is an unused

school facility as described in division (A)(5)(a) or (b) of this section on or after January 1, 2023, shall remain designated as an unused school facility until the district board complies with its obligations under this section with respect to that building or property, unless, prior to the effective date of this amendment, the district board complied with its obligations under this section as it existed prior to that date.

409
410
411
412
413
414
415

(3) An offer made by a district board under division (B) of this section shall be irrevocable for the sixty days after the offer is made under that division, while the property's appraised fair market value is challenged under division (C)(3) of this section, and for the sixty days after an offer is made under division (C)(3)(e) of this section.

416
417
418
419
420
421

(4) A qualified party may notify a district treasurer if the party identifies a school building or other real property that the party reasonably believes is an unused school facility. If the building or property is an unused school facility, the district board shall promptly comply with the requirements under this section."

422
423
424
425
426
427

After line 45313, insert:

428

"Sec. 3318.08. Except in the case of a joint vocational school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code, if the requisite favorable vote on the election is obtained, or if the school district board has resolved to apply the proceeds of a property tax levy or the proceeds of an income tax, or a combination of proceeds from such taxes, as authorized in section 3318.052 of the Revised Code, the Ohio facilities construction commission, upon certification to it of either the results of the election or the resolution under

429
430
431
432
433
434
435
436
437

section 3318.052 of the Revised Code, shall enter into a written 438
agreement with the school district board for the construction and 439
sale of the project. In the case of a joint vocational school 440
district that receives assistance under sections 3318.40 to 441
3318.45 of the Revised Code, if the school district board of 442
education and the school district electors have satisfied the 443
conditions prescribed in division (D)(1) of section 3318.41 of the 444
Revised Code, the commission shall enter into an agreement with 445
the school district board for the construction and sale of the 446
project. In either case, the agreement shall include, but need not 447
be limited to, the following provisions: 448

(A) The sale and issuance of bonds or notes in anticipation 449
thereof, as soon as practicable after the execution of the 450
agreement, in an amount equal to the school district's portion of 451
the basic project cost, including any securities authorized under 452
division (J) of section 133.06 of the Revised Code and dedicated 453
by the school district board to payment of the district's portion 454
of the basic project cost of the project; provided, that if at 455
that time the county treasurer of each county in which the school 456
district is located has not commenced the collection of taxes on 457
the general duplicate of real and public utility property for the 458
year in which the controlling board approved the project, the 459
school district board shall authorize the issuance of a first 460
installment of bond anticipation notes in an amount specified by 461
the agreement, which amount shall not exceed an amount necessary 462
to raise the net bonded indebtedness of the school district as of 463
the date of the controlling board's approval to within five 464
thousand dollars of the required level of indebtedness for the 465
preceding year. In the event that a first installment of bond 466
anticipation notes is issued, the school district board shall, as 467
soon as practicable after the county treasurer of each county in 468

which the school district is located has commenced the collection 469
of taxes on the general duplicate of real and public utility 470
property for the year in which the controlling board approved the 471
project, authorize the issuance of a second and final installment 472
of bond anticipation notes or a first and final issue of bonds. 473

The combined value of the first and second installment of 474
bond anticipation notes or the value of the first and final issue 475
of bonds shall be equal to the school district's portion of the 476
basic project cost. The proceeds of any such bonds shall be used 477
first to retire any bond anticipation notes. Otherwise, the 478
proceeds of such bonds and of any bond anticipation notes, except 479
the premium and accrued interest thereon, shall be deposited in 480
the school district's project construction fund. In determining 481
the amount of net bonded indebtedness for the purpose of fixing 482
the amount of an issue of either bonds or bond anticipation notes, 483
gross indebtedness shall be reduced by moneys in the bond 484
retirement fund only to the extent of the moneys therein on the 485
first day of the year preceding the year in which the controlling 486
board approved the project. Should there be a decrease in the tax 487
valuation of the school district so that the amount of 488
indebtedness that can be incurred on the tax duplicates for the 489
year in which the controlling board approved the project is less 490
than the amount of the first installment of bond anticipation 491
notes, there shall be paid from the school district's project 492
construction fund to the school district's bond retirement fund to 493
be applied against such notes an amount sufficient to cause the 494
net bonded indebtedness of the school district, as of the first 495
day of the year following the year in which the controlling board 496
approved the project, to be within five thousand dollars of the 497
required level of indebtedness for the year in which the 498
controlling board approved the project. The maximum amount of 499

indebtedness to be incurred by any school district board as its
share of the cost of the project is either an amount that will
cause its net bonded indebtedness, as of the first day of the year
following the year in which the controlling board approved the
project, to be within five thousand dollars of the required level
of indebtedness, or an amount equal to the required percentage of
the basic project costs, whichever is greater. All bonds and bond
anticipation notes shall be issued in accordance with Chapter 133.
of the Revised Code, and notes may be renewed as provided in
section 133.22 of the Revised Code.

(B) The transfer of such funds of the school district board
available for the project, together with the proceeds of the sale
of the bonds or notes, except premium, accrued interest, and
interest included in the amount of the issue, to the school
district's project construction fund;

(C) For all school districts except joint vocational school
districts that receive assistance under sections 3318.40 to
3318.45 of the Revised Code, the following provisions as
applicable:

(1) If section 3318.052 of the Revised Code applies, the
earmarking of the proceeds of a tax levied under section 5705.21
of the Revised Code for general permanent improvements or under
section 5705.218 of the Revised Code for the purpose of permanent
improvements, or the proceeds of a school district income tax
levied under Chapter 5748. of the Revised Code, or the proceeds
from a combination of those two taxes, in an amount to pay all or
part of the service charges on bonds issued to pay the school
district portion of the project and an amount equivalent to all or
part of the tax required under division (B) of section 3318.05 of
the Revised Code;

(2) If section 3318.052 of the Revised Code does not apply, 530
one of the following: 531

(a) The levy of the tax authorized at the election for the 532
payment of maintenance costs, as specified in division (B) of 533
section 3318.05 of the Revised Code; 534

(b) If the school district electors have approved a 535
continuing tax for general permanent improvements under section 536
5705.21 of the Revised Code and that tax can be used for 537
maintenance, the earmarking of an amount of the proceeds from such 538
tax for maintenance of classroom facilities as specified in 539
division (B) of section 3318.05 of the Revised Code; 540

(c) If, in lieu of the tax otherwise required under division 541
(B) of section 3318.05 of the Revised Code, the commission has 542
approved the transfer of money to the maintenance fund in 543
accordance with section 3318.051 of the Revised Code, a 544
requirement that the district board comply with the provisions of 545
that section. The district board may rescind the provision 546
prescribed under division (C)(2)(c) of this section only so long 547
as the electors of the district have approved, in accordance with 548
section 3318.063 of the Revised Code, the levy of a tax for the 549
maintenance of the classroom facilities acquired under the 550
district's project and that levy continues to be collected as 551
approved by the electors. 552

(D) For joint vocational school districts that receive 553
assistance under sections 3318.40 to 3318.45 of the Revised Code, 554
provision for deposit of school district moneys dedicated to 555
maintenance of the classroom facilities acquired under those 556
sections as prescribed in section 3318.43 of the Revised Code; 557

(E) Dedication of any local donated contribution as provided 558
for under section 3318.084 of the Revised Code, including a 559

schedule for depositing such moneys applied as an offset of the
 district's obligation to levy the tax described in division (B) of
 section 3318.05 of the Revised Code as required under division
 (D)(2) of section 3318.084 of the Revised Code;

(F) Ownership of or interest in the project during the period
 of construction, which shall be divided between the commission and
 the school district board in proportion to their respective
 contributions to the school district's project construction fund;

(G) Maintenance of the state's interest in the project until
 any obligations issued for the project under section 3318.26 of
 the Revised Code are no longer outstanding;

(H) The insurance of the project by the school district from
 the time there is an insurable interest therein and so long as the
 state retains any ownership or interest in the project pursuant to
 division (F) of this section, in such amounts and against such
 risks as the commission shall require; provided, that the cost of
 any required insurance until the project is completed shall be a
 part of the basic project cost;

(I) The certification by the director of budget and
 management that funds are available and have been set aside to
 meet the state's share of the basic project cost as approved by
 the controlling board pursuant to either section 3318.04 or
 division (B)(1) of section 3318.41 of the Revised Code;

(J) Authorization of the school district board to advertise
 for and receive construction bids for the project, for and on
 behalf of the commission, and to award contracts in the name of
 the state subject to approval by the commission;

(K) Provisions for the disbursement of moneys from the school
 district's project account upon issuance by the commission or the

commission's designated representative of vouchers for work done	589
to be certified to the commission by the treasurer of the school	590
district board;	591
(L) Disposal of any balance left in the school district's	592
project construction fund upon completion of the project;	593
(M) Limitations upon use of the project or any part of it so	594
long as any obligations issued to finance the project under	595
section 3318.26 of the Revised Code are outstanding;	596
(N) Provision for vesting the state's interest in the project	597
to the school district board when the obligations issued to	598
finance the project under section 3318.26 of the Revised Code are	599
outstanding;	600
(O) Provision for deposit of an executed copy of the	601
agreement in the office of the commission;	602
(P) Provision for termination of the contract and release of	603
the funds encumbered at the time of the conditional approval, if	604
the proceeds of the sale of the bonds of the school district board	605
are not paid into the school district's project construction fund	606
and if bids for the construction of the project have not been	607
taken within such period after the execution of the agreement as	608
may be fixed by the commission;	609
(Q) A provision that requires the school district to adhere	610
to a facilities maintenance plan approved by the commission;	611
(R) Provision that all state funds reserved and encumbered to	612
pay the state share of the cost of the project and the funds	613
provided by the school district to pay for its share of the	614
project cost, including the respective shares of the cost of a	615
segment if the project is divided into segments, be spent on the	616
construction and acquisition of the project or segment	617

simultaneously in proportion to the state's and the school 618
district's respective shares of that basic project cost as 619
determined under section 3318.032 of the Revised Code or, if the 620
district is a joint vocational school district, under section 621
3318.42 of the Revised Code. However, if the school district 622
certifies to the commission that expenditure by the school 623
district is necessary to maintain the federal tax status or 624
tax-exempt status of notes or bonds issued by the school district 625
to pay for its share of the project cost or to comply with 626
applicable temporary investment periods or spending exceptions to 627
rebate as provided for under federal law in regard to those notes 628
or bonds, the school district may commit to spend, or spend, a 629
greater portion of the funds it provides during any specific 630
period than would otherwise be required under this division. 631

(S) A provision stipulating that the commission may prohibit 632
the district from proceeding with any project if the commission 633
determines that the site is not suitable for construction 634
purposes. The commission may perform soil tests in its 635
determination of whether a site is appropriate for construction 636
purposes. 637

(T) A provision stipulating that, unless otherwise authorized 638
by the commission, any contingency reserve portion of the 639
construction budget prescribed by the commission shall be used 640
only to pay costs resulting from unforeseen job conditions, to 641
comply with rulings regarding building and other codes, to pay 642
costs related to design clarifications or corrections to contract 643
documents, and to pay the costs of settlements or judgments 644
related to the project as provided under section 3318.086 of the 645
Revised Code; 646

(U) A provision stipulating that for continued release of 647

project funds the school district board shall comply with sections 648
 3313.41, 3313.411, and 3313.413 of the Revised Code throughout the 649
 project and shall notify the department of education and the Ohio 650
 community school association when the board plans to dispose of 651
 facilities by sale under that section; 652

(V) A provision stipulating that the commission shall not 653
 approve a contract for demolition of a facility until the school 654
 district board has complied with sections 3313.41, 3313.411, and 655
 3313.413 of the Revised Code relative to that facility, ~~unless~~ 656
~~demolition of that facility is to clear a site for construction of~~ 657
~~a replacement facility included in the district's project.~~ 658

In line 108811, after "3313.33," insert "3313.41, 3313.411," 659

In line 108817, after "3317.25," insert " 3318.08," 660

The motion was _____ agreed to.

SYNOPSIS

Definition of "appraisal" and "appraiser" 661

R.C. 3313.411(A) 662

Defines "appraisal" and "appraiser" for the purposes of the 663
 law regarding the voluntary and involuntary disposition of real 664
 property owned by a school district, as follows: 665

(1) An "appraisal" is valuation that is less than a year old 666
 of real property performed by an appraiser, includes an opinion of 667
 the property's fair market value, and is based on reasonable 668
 assumptions about the property's use as a school. 669

(2) An "appraiser" is a general real estate appraiser 670

certified under state law who has experience appraising school	671
property and who has a membership in, and a designation from, a	672
nationally recognized organization of real estate appraisers.	673
Public auction of district real property	674
R.C. 3313.41(A)	675
Requires a school district, when it sells real property at a	676
public auction, to advertise the auction on a major commercial web	677
site at least 30 days prior to the auction.	678
Permits a district, in an auction for real property, to set a	679
minimum acceptable bid amount that is not greater than the	680
property's appraised fair market value, according to an appraisal.	681
Requires the district to disclose the minimum acceptable bid	682
amount to all auction participants.	683
Prohibits a district from rejecting the bid of a community	684
school, STEM school, or college-preparatory boarding school, or a	685
private person that proposes to make the property available to	686
such schools, if the school or person complies with requirements	687
for all auction participants regarding proof of funds and similar	688
matters and makes the highest bid.	689
Voluntary disposition of district property	690
R.C. 3313.41(C) and (F)	691
Expressly states that a district must comply with its	692
obligations regarding the involuntary disposition of district	693
property prior to selling that property to one of several	694
prescribed entities or exchanging it for other real property.	695
Involuntary disposition of district property	696
R.C. 3313.411	697

Revises current law regarding involuntary disposition of school district property to other public schools (including community, STEM, and college-preparatory boarding schools), to:

- (1) Expand the definition of "unused school facility."
- (2) Require districts to offer its unused school facilities to all other public schools in the state by advertising an offer on a major commercial web site and to directly offer those facilities to community schools opening in, relocating to, or adding facilities in the district's territory.
- (3) Require districts to sell an unused school facility to any other public school in the state for the facility's fair market value, if that school is the only school to notify the district treasurer of its interest in the property.
- (4) Establish a procedure under which other public schools may challenge the appraised fair market value of an unused school facility included in a district's offer, a group of three appraisers determine the facility's value, and the schools challenging the value have the option to purchase the facility or bid on it in a public auction based on the new value.
- (5) Specify that, if no other public school purchases or leases an unused school facility after an offer is made, that property becomes subject to the requirements regarding involuntary disposition again if, after two years, the district still owns it and it still meets the statutory requirements to be an unused school facility.
- (6) Increase from five years to ten years the period of time that a community, STEM, or college-preparatory boarding school generally is prohibited from selling a property it purchased under the involuntary disposition law.

(7) Permit a school that has purchased an unused school facility to sell it within that ten-year period to an entity that is not a community, STEM, or college-preparatory boarding school if, prior to the expiration of that period, the entity arranges for the property to be used by a community, STEM, or college-preparatory boarding school and does not transfer or sell the property to any other entity.

(8) Prohibit a school district from arranging for any of its unused school facilities to be demolished prior to offering the property in accordance with the law regarding the involuntary disposition of school property.

(9) Require any school property that is an unused school facility under continuing law on or after January 1, 2022, to remain designated as such until the district complies with its obligations under the law regarding the involuntary disposition of that property, unless, prior to the bill's effective date, the district complies with its obligations as they existed prior to that date.

(10) Specify that an offer made by a district under the law regarding the involuntary disposition of property is irrevocable prior to end of statutorily prescribed deadlines.

(11) Permit a community, STEM, or college-preparatory boarding school to notify a district if it identifies a school property that it reasonably believes to be an unused school facility and, if that property is such a facility, requires the district to comply with the law regarding the involuntary disposition of that property.

FCC facilities construction project exemption

R.C. 3318.08

Subjects a district to the involuntary disposition law prior 756
to demolishing a building to clear a site for the construction of 757
a replacement facility as part of its facilities construction 758
project with the Facilities Construction Commission. 759

_____ moved to amend as follows:

1 In line 2156, after "awarded" insert "to the office of the
2 attorney general"; strike through "to"

3 In line 2157, strike through "the"; delete "office of the";
4 strike through "attorney general" and insert "or as part of a
5 settlement or other compromise of claims"

6 In line 2158, after the first comma insert "document
7 management costs,"

8 In line 2170, delete "to"

9 In line 2171, delete "enter" and insert "entering"

10 In line 2173, delete "to cover" and insert "to secure
11 payment of"; delete "and fees"

12 In line 2174, delete "incurred as a result of" and insert
13 ", expenses, and contractual obligations related to"; after
14 "services" insert "and other services"; delete "thereby"

15 Delete lines 2175 and 2176 and insert "including attorney
16 fees owed to special counsel; costs associated with an
17 investigation, preparation, and presentation of claims asserted,
18 document management, and depositions; and any fees or expenses
19 owed to any expert or consulting expert witness. This division

SC3235X1

20 does not apply to matters in which the costs, expenses, and
21 obligations are to be paid from funds within an available"

22 In line 2178, delete "cover" and insert "secure payment of"

23 In line 2179, after "costs" insert ", expenses,"; delete
24 "fees" and insert "obligations"

25 In line 2183, after "costs" insert ", expenses, and
26 obligations"

27 In line 2184, after the first "and" insert "the"; delete
28 "cover" and insert "secure payment of"; after "costs" insert ",
29 expenses,"; delete "fees" and insert "obligations"

30 In line 2193, after "or" insert "other"

31 In line 2196, delete ", except as provided in"

32 In line 2197, delete all before the period and insert "and
33 as provided by law"

34 In line 2200, after "compromise" insert "and as provided by
35 law"

36 In line 2207, after "received" insert "on behalf of the
37 state or any agency or officer thereof"

38 In line 2212, delete "hundred thousand" and insert
39 "million"

40 In line 2213, after "received" insert "on behalf of the
41 state or any agency or officer thereof"

42 In line 2217, after "compromise" insert "and as provided by
43 law"

SC3235X1

44 In line 2221, delete all after "(2)"

45 Delete lines 2222 through 2231

46 In line 2232, delete "(3)"

47 In line 2234, delete "one" and insert "two"

48 In line 2235, after "received" insert "on behalf of the
49 state or any agency or officer thereof"

50 In line 2246, delete "or (2)"

51 In line 2248, delete "one" and insert "two"

52 In line 2249, after "received" insert "on behalf of the
53 state or any agency or officer thereof"

54 In line 222176, after "repayment" insert ", in full,"

55 In line 222177, after "Fund" insert "from the distributions
56 received by the Attorney General from the Multistate Opioid
57 Settlement State Outside Counsel Fee Fund, Multistate Opioid
58 Settlement State Opioid Attorneys Fee Fund, and Multistate
59 Opioid Settlement State Cost Fund ("Opioid Settlement Fee and
60 Cost Funds")."; delete "upon receipt of any Opioid"

61 In line 222178, delete "Funds paid to the" and insert
62 "The"; after "General" insert "shall give first priority to this
63 repayment out of the distributions from the Opioid Settlement
64 Fee and Cost Funds until the total amount transferred for the
65 expenses related to representation in a concluded opioid
66 litigation is returned to the General Revenue Fund. Should the
67 Attorney General be unable to recover or receive a sufficient

68 amount from the Opioid Settlement Fee and Cost Funds for
69 repayment to the General Revenue Fund, the remaining balance
70 shall be paid from"; delete "as part of"

71 In line 236024, after the period insert "Consistent with
72 section 1.48 of the Revised Code, the amendments to those
73 sections made by this act are prospective in their operation and
74 have no effect on an order or judgment of any court or any
75 settlement or other compromise of claims issued, entered, or
76 agreed to before January 1, 2024, even if an amount awarded,
77 adjudged, settled upon, or comprised to has not been received in
78 full by the state or an agency or officer of the state before
79 then."

80 The motion was _____ agreed to.

81 SYNOPSIS

82 **Proceeds from large settlements or award**

83 **R.C. 109.11 to 109.113; Section 812.12**

84 Modifies a provision added by the Senate substitute bill
85 regarding the creation of a Large Settlements and Awards Fund by
86 doing the following:

87 - Increases the threshold amount from \$1 million to
88 \$2 million.

89 - No longer requires the CEB to determine into which funds
90 the money will be transferred for orders, judgments,
91 settlements, or compromises less than that amount.

92 - Specifies the provision is prospective.

93 **Attorney General**

94 **Section 221.20**

95 Modifies the changes to temporary law related to Fund 1060
96 ALI 055612, Attorney General Operating, made by the Senate
97 substitute bill by doing the following:

98 -Specifying the amounts transferred subject to repayment
99 must be repaid in full.

100 - Requiring AGO to repay the amounts transferred from the
101 GRF to Fund 1060 from specified Opioid Settlement Fee and Cost
102 Funds rather than any Opioid Funds paid to the Attorney General.

103 - Requiring the repayment to be paid from part of the State
104 Share Allocation of Settlement Proceeds as set forth in the One
105 Ohio Memorandum of Understanding if AGO is unable to recover or
106 receive sufficient funds to repay the full amount transferred.

Sub. H.B. 33
L-135-0001-5
JFSCD50

_____ moved to amend as follows:

- In line 52 of the title, after "2151.031," insert "2151.231," 1
- In line 58 of the title, after "3101.08," insert "3103.03," 2
- In line 59 of the title, after "3109.178," insert "3109.53,
3109.66, 3111.01, 3111.04, 3111.041, 3111.06, 3111.07, 3111.111,
3111.15," 3
4
5
- In line 60 of the title, after "3111.23," insert "3111.29,";
after "3111.31," insert "3111.38, 3111.381,"; after "3111.44,"
insert "3111.48, 3111.49," 6
7
8
- In line 61 of the title, after "3111.72," insert "3111.78,
3119.01,"; after "3119.023," insert "3119.06, 3119.07, 3121.29," 9
10
- In line 215 of the title, after "2329.313," insert "3119.95,
3119.951, 3119.953, 3119.955, 3119.957, 3119.9511, 3119.9513,
3119.9515, 3119.9517, 3119.9519, 3119.9523, 3119.9525, 3119.9527,
3119.9529, 3119.9531, 3119.9533, 3119.9535, 3119.9537, 3119.9539,
3119.9541," 11
12
13
14
15
- In line 241 of the title, after "3111.40," insert "3121.46," 16
- In line 664, after "2151.031," insert "2151.231," 17
- In line 668, after "3101.08," insert "3103.03," 18

In line 669, after "3109.178," insert "3109.53, 3109.66,
3111.01, 3111.04, 3111.041, 3111.06, 3111.07, 3111.111, 3111.15,"

In line 670, after "3111.23," insert "3111.29,"; after
"3111.31," insert "3111.38, 3111.381,"; after "3111.44," insert
"3111.48, 3111.49,"; after "3111.72," insert "3111.78, 3119.01,"

In line 671, after "3119.023," insert "3119.06, 3119.07,
3121.29,"

In line 783, after "2329.313," insert "3119.95, 3119.951,
3119.953, 3119.955, 3119.957, 3119.9511, 3119.9513, 3119.9515,
3119.9517, 3119.9519, 3119.9523, 3119.9525, 3119.9527, 3119.9529,
3119.9531, 3119.9533, 3119.9535, 3119.9537, 3119.9539, 3119.9541,"

After line 30586, insert:

Sec. 2151.231. (A) The parent, ~~guardian~~, or eustodian
caretaker of a child, ~~the person with whom a child resides~~, or the
child support enforcement agency of the county in which the child,
parent, ~~guardian~~, or eustodian caretaker of the child resides may
bring an action in a juvenile court or other court with
jurisdiction under section 2101.022 or 2301.03 of the Revised Code
under this section requesting the court to issue an order
requiring a parent of the child to pay an amount for the support
of the child without regard to the marital status of the child's
parents. No action may be brought under this section against a
person presumed to be the parent of a child based on an
acknowledgment of paternity that has not yet become final under
former section 3111.211 or 5101.314 or section 2151.232, 3111.25,
or 3111.821 of the Revised Code.

The parties to an action under this section may raise the
issue of the existence or nonexistence of a parent-child
relationship, unless a final and enforceable determination of the

issue has been made with respect to the parties pursuant to
Chapter 3111. of the Revised Code or an acknowledgment of
paternity signed by the child's parents has become final pursuant
to former section 3111.211 or 5101.314 or section 2151.232,
3111.25, or 3111.821 of the Revised Code. If a complaint is filed
under this section and an issue concerning the existence or
nonexistence of a parent-child relationship is raised, the court
shall treat the action as an action pursuant to sections 3111.01
to 3111.18 of the Revised Code. An order issued in an action under
this section does not preclude a party to the action from bringing
a subsequent action pursuant to sections 3111.01 to 3111.18 of the
Revised Code if the issue concerning the existence or nonexistence
of the parent-child relationship was not determined with respect
to the party pursuant to a proceeding under this section, a
proceeding under Chapter 3111. of the Revised Code, or an
acknowledgment of paternity that has become final under former
section 3111.211 or 5101.314 or section 2151.232, 3111.25, or
3111.821 of the Revised Code. An order issued pursuant to this
section shall remain effective until an order is issued pursuant
to sections 3111.01 to 3111.18 of the Revised Code that a
parent-child relationship does not exist between the alleged
father of the child and the child or until the occurrence of an
event described in section 3119.88 of the Revised Code that would
require the order to terminate.

The court, in accordance with sections 3119.29 to 3119.56 of
the Revised Code, shall include in each support order made under
this section the requirement that one or both of the parents
provide for the health care needs of the child to the satisfaction
of the court.

(B) As used in this section, "caretaker" has the same meaning
as in section 3119.01 of the Revised Code.

After line 34492, insert: 79

"**Sec. 3103.03.** (A) Each married person must support the 80
 person's self and spouse out of the person's property or by the 81
 person's labor. If a married person is unable to do so, the spouse 82
 of the married person must assist in the support so far as the 83
 spouse is able. The biological or adoptive parent of a minor child 84
 must support the parent's minor children out of the parent's 85
 property or by the parent's labor. 86

(B) Notwithstanding section 3109.01 of the Revised Code and 87
 to the extent provided in section 3119.86 of the Revised Code, the 88
 parental duty of support to children shall continue beyond the age 89
 of majority as long as the child continuously attends on a 90
 full-time basis any recognized and accredited high school. That 91
 duty of support shall continue during seasonal vacation periods. 92

(C) If a married person neglects to support the person's 93
 spouse in accordance with this section, any other person, in good 94
 faith, may supply the spouse with necessaries for the support of 95
 the spouse and recover the reasonable value of the necessaries 96
 supplied from the married person who neglected to support the 97
 spouse unless the spouse abandons that person without cause. 98

~~(D)~~(D)(1) If a parent neglects to support the parent's minor 99
 child in accordance with this section and if the minor child in 100
 question is unemancipated, any other person, in good faith, may 101
 supply the minor child with necessaries for the support of the 102
 minor child and recover the reasonable value of the necessaries 103
 supplied from the parent who neglected to support the minor child. 104

(2) A duty of support may be enforced by a child support 105
 order, as defined under division (B) of section 3119.01 of the 106
 Revised Code. 107

(E) If a decedent during the decedent's lifetime has 108
 purchased an irrevocable preneed funeral contract pursuant to 109
 section 4717.34 of the Revised Code, then the duty of support owed 110
 to a spouse pursuant to this section does not include an 111
 obligation to pay for the funeral expenses of the deceased spouse. 112
 This division does not preclude a surviving spouse from assuming 113
 by contract the obligation to pay for the funeral expenses of the 114
 deceased spouse. 115

After line 34935, insert: 116

"Sec. 3109.53. To create a power of attorney under section 117
 3109.52 of the Revised Code, a parent, guardian, or custodian 118
 shall use a form that is identical in form and content to the 119
 following: 120

POWER OF ATTORNEY 121

I, the undersigned, residing at, in the county of 122
, state of, hereby appoint the child's 123
 grandparent,, residing at, in the county of 124
, in the state of Ohio, with whom the child of whom I 125
 am the parent, guardian, or custodian is residing, my attorney in 126
 fact to exercise any and all of my rights and responsibilities 127
 regarding the care, physical custody, and control of the child, 128
, born, having social security number 129
 (optional), except my authority to consent to marriage 130
 or adoption of the child, and to perform all acts 131
 necessary in the execution of the rights and responsibilities 132
 hereby granted, as fully as I might do if personally present. The 133
 rights I am transferring under this power of attorney include the 134
 ability to enroll the child in school, to obtain from the school 135
 district educational and behavioral information about the child, 136
 to consent to all school-related matters regarding the child, and 137

to consent to medical, psychological, or dental treatment for the child. This transfer does not affect my rights in any future proceedings concerning the custody of the child or the allocation of the parental rights and responsibilities for the care of the child and does not give the attorney in fact legal custody of the child. This transfer does not terminate my right to have regular contact with the child.

I hereby certify that I am transferring the rights and responsibilities designated in this power of attorney because one of the following circumstances exists:

(1) I am: (a) Seriously ill, incarcerated, or about to be incarcerated, (b) Temporarily unable to provide financial support or parental guidance to the child, (c) Temporarily unable to provide adequate care and supervision of the child because of my physical or mental condition, (d) Homeless or without a residence because the current residence is destroyed or otherwise uninhabitable, or (e) In or about to enter a residential treatment program for substance abuse;

(2) I am a parent of the child, the child's other parent is deceased, and I have authority to execute the power of attorney; or

(3) I have a well-founded belief that the power of attorney is in the child's best interest.

I hereby certify that I am not transferring my rights and responsibilities regarding the child for the purpose of enrolling the child in a school or school district so that the child may participate in the academic or interscholastic athletic programs provided by that school or district.

~~I understand that this document does not authorize a child~~

~~support enforcement agency to redirect child support payments to
the grandparent designated as attorney in fact. I further
understand that to have an existing child support order modified
or a new child support order issued administrative or judicial
proceedings must be initiated.~~

If there is a court order naming me the residential parent
and legal custodian of the child who is the subject of this power
of attorney and I am the sole parent signing this document, I
hereby certify that one of the following is the case:

(1) I have made reasonable efforts to locate and provide
notice of the creation of this power of attorney to the other
parent and have been unable to locate that parent;

(2) The other parent is prohibited from receiving a notice of
relocation; or

(3) The parental rights of the other parent have been
terminated by order of a juvenile court.

This POWER OF ATTORNEY is valid until the occurrence of
whichever of the following events occurs first: (1) I revoke this
POWER OF ATTORNEY in writing and give notice of the revocation to
the grandparent designated as attorney in fact and the juvenile
court with which this POWER OF ATTORNEY was filed; (2) the child
ceases to reside with the grandparent designated as attorney in
fact; (3) this POWER OF ATTORNEY is terminated by court order; (4)
the death of the child who is the subject of the power of
attorney; or (5) the death of the grandparent designated as the
attorney in fact.

WARNING: DO NOT EXECUTE THIS POWER OF ATTORNEY IF ANY
STATEMENT MADE IN THIS INSTRUMENT IS UNTRUE. FALSIFICATION IS A
CRIME UNDER SECTION 2921.13 OF THE REVISED CODE, PUNISHABLE BY THE

SANCTIONS UNDER CHAPTER 2929. OF THE REVISED CODE, INCLUDING A 196
 TERM OF IMPRISONMENT OF UP TO 6 MONTHS, A FINE OF UP TO \$1,000, OR 197
 BOTH. 198

Witness my hand this day of, 199

..... 200

Parent/Custodian/Guardian's signature 201

..... 202

Parent's signature 203

..... 204

Grandparent designated as attorney in fact 205

State of Ohio) 206

) ss: 207

County of) 208

Subscribed, sworn to, and acknowledged before me this day 209

of, 210

..... 211

Notary Public 212

Notices: 213

1. A power of attorney may be executed only if one of the 214

following circumstances exists: (1) The parent, guardian, or
 custodian of the child is: (a) Seriously ill, incarcerated, or
 about to be incarcerated; (b) Temporarily unable to provide
 financial support or parental guidance to the child; (c)
 Temporarily unable to provide adequate care and supervision of
 the child because of the parent's, guardian's, or custodian's
 physical or mental condition; (d) Homeless or without a
 residence because the current residence is destroyed or
 otherwise uninhabitable; or (e) In or about to enter a
 residential treatment program for substance abuse; (2) One of

the child's parents is deceased and the other parent, with authority to do so, seeks to execute a power of attorney; or (3) The parent, guardian, or custodian has a well-founded belief that the power of attorney is in the child's best interest.

2. The signatures of the parent, guardian, or custodian of the child and the grandparent designated as the attorney in fact must be notarized by an Ohio notary public. 215
3. A parent, guardian, or custodian who creates a power of attorney must notify the parent of the child who is not the residential parent and legal custodian of the child unless one of the following circumstances applies: (a) the parent is prohibited from receiving a notice of relocation in accordance with section 3109.051 of the Revised Code of the creation of the power of attorney; (b) the parent's parental rights have been terminated by order of a juvenile court pursuant to Chapter 2151. of the Revised Code; (c) the parent cannot be located with reasonable efforts; (d) both parents are executing the power of attorney. The notice must be sent by certified mail not later than five days after the power of attorney is created and must state the name and address of the person designated as the attorney in fact. 216 217
4. A parent, guardian, or custodian who creates a power of attorney must file it with the juvenile court of the county in which the attorney in fact resides, or any other court that has jurisdiction over the child under a previously filed motion or proceeding. The power of attorney must be filed not later than five days after the date it is created and be accompanied by a receipt showing that the notice of creation of the power of attorney was sent to the parent who is not the 218

residential parent and legal custodian by certified mail.

5. This power of attorney does not affect the rights of the child's parents, guardian, or custodian regarding any future proceedings concerning the custody of the child or the allocation of the parental rights and responsibilities for the care of the child and does not give the attorney in fact legal custody of the child. 219
6. A person or entity that relies on this power of attorney, in good faith, has no obligation to make any further inquiry or investigation. 220
7. This power of attorney terminates on the occurrence of whichever of the following occurs first: (1) the power of attorney is revoked in writing by the person who created it and that person gives written notice of the revocation to the grandparent who is the attorney in fact and the juvenile court with which the power of attorney was filed; (2) the child ceases to live with the grandparent who is the attorney in fact; (3) the power of attorney is terminated by court order; (4) the death of the child who is the subject of the power of attorney; or (5) the death of the grandparent designated as the attorney in fact. 221

If this power of attorney terminates other than by the death of the attorney in fact, the grandparent who served as the attorney in fact shall notify, in writing, all of the following: 222

(a) Any schools, health care providers, or health insurance coverage provider with which the child has been involved through the grandparent; 223

(b) Any other person or entity that has an ongoing relationship with the child or grandparent such that the other person or entity would reasonably rely on the power of 224

attorney unless notified of the termination;

(c) The court in which the power of attorney was filed 225
after its creation;

(d) The parent who is not the residential parent and legal 226
custodian of the child who is required to be given notice of
its creation. The grandparent shall make the notifications not
later than one week after the date the power of attorney
terminates.

8. If this power of attorney is terminated by written revocation 227
of the person who created it, or the revocation is regarding a
second or subsequent power of attorney, a copy of the
revocation must be filed with the court with which that power
of attorney was filed.

Additional information: 228

To the grandparent designated as attorney in fact: 229
230

1. If the child stops living with you, you are required to 231
notify, in writing, any school, health care provider, or
health care insurance provider to which you have given this
power of attorney. You are also required to notify, in
writing, any other person or entity that has an ongoing
relationship with you or the child such that the person or
entity would reasonably rely on the power of attorney unless
notified. The notification must be made not later than one
week after the child stops living with you.

2. You must include with the power of attorney the following 232
information:

(a) The child's present address, the addresses of the 233
places where the child has lived within the last five years,
and the name and present address of each person with whom the
child has lived during that period;

(b) Whether you have participated as a party, a witness, or 234
in any other capacity in any other litigation, in this state
or any other state, that concerned the allocation, between the
parents of the same child, of parental rights and
responsibilities for the care of the child and the designation
of the residential parent and legal custodian of the child or
that otherwise concerned the custody of the same child;

(c) Whether you have information of any parenting 235
proceeding concerning the child pending in a court of this or
any other state;

(d) Whether you know of any person who has physical custody 236
of the child or claims to be a parent of the child who is
designated the residential parent and legal custodian of the
child or to have parenting time rights with respect to the
child or to be a person other than a parent of the child who
has custody or visitation rights with respect to the child;

(e) Whether you previously have been convicted of or 237
pleaded guilty to any criminal offense involving any act that
resulted in a child's being an abused child or a neglected
child or previously have been determined, in a case in which a
child has been adjudicated an abused child or a neglected
child, to be the perpetrator of the abusive or neglectful act
that was the basis of the adjudication.

3. If you receive written notice of revocation of the power of 238
attorney or the parent, custodian, or guardian removes the
child from your home and if you believe that the revocation or
removal is not in the best interest of the child, you may,
within fourteen days, file a complaint in the juvenile court
to seek custody. You may retain physical custody of the child
until the fourteen-day period elapses or, if you file a
complaint, until the court orders otherwise.

To school officials:	239
1. Except as provided in section 3313.649 of the Revised Code, this power of attorney, properly completed and notarized, authorizes the child in question to attend school in the district in which the grandparent designated as attorney in fact resides and that grandparent is authorized to provide consent in all school-related matters and to obtain from the school district educational and behavioral information about the child. This power of attorney does not preclude the parent, guardian, or custodian of the child from having access to all school records pertinent to the child.	240
2. The school district may require additional reasonable evidence that the grandparent lives in the school district.	241
3. A school district or school official that reasonably and in good faith relies on this power of attorney has no obligation to make any further inquiry or investigation.	242
To health care providers:	243
1. A person or entity that acts in good faith reliance on a power of attorney to provide medical, psychological, or dental treatment, without actual knowledge of facts contrary to those stated in the power of attorney, is not subject to criminal liability or to civil liability to any person or entity, and is not subject to professional disciplinary action, solely for such reliance if the power of attorney is completed and the signatures of the parent, guardian, or custodian of the child and the grandparent designated as attorney in fact are notarized.	244
2. The decision of a grandparent designated as attorney in fact, based on a power of attorney, shall be honored by a health care facility or practitioner, school district, or school official.	245

Sec. 3109.66. The caretaker authorization affidavit that a grandparent described in section 3109.65 of the Revised Code may execute shall be identical in form and content to the following:

CARETAKER AUTHORIZATION AFFIDAVIT

Use of this affidavit is authorized by sections 3109.65 to 3109.73 of the Ohio Revised Code.

Completion of items 1-7 and the signing and notarization of this affidavit is sufficient to authorize the grandparent signing to exercise care, physical custody, and control of the child who is its subject, including authority to enroll the child in school, to discuss with the school district the child's educational progress, to consent to all school-related matters regarding the child, and to consent to medical, psychological, or dental treatment for the child.

The child named below lives in my home, I am 18 years of age or older, and I am the child's grandparent.

1. Name of child:
2. Child's date and year of birth:
3. Child's social security number (optional):
4. My name:
5. My home address:
6. My date and year of birth:
7. My Ohio driver's license number or identification card number:
8. Despite having made reasonable attempts, I am either:
 - (a) Unable to locate or contact the child's parents, or the child's guardian or custodian; or
 - (b) I am unable to locate or contact one of the child's parents and I am not required to contact the other parent because paternity has not been established; or
 - (c) I am unable to locate or contact one of the child's

parents and I am not required to contact the other parent because there is a custody order regarding the child and one of the following is the case:

(i) The parent has been prohibited from receiving notice of a relocation; or 273

(ii) The parental rights of the parent have been terminated. 274

9. I hereby certify that this affidavit is not being executed for the purpose of enrolling the child in a school or school district so that the child may participate in the academic or interscholastic athletic programs provided by that school or district. 275

~~I understand that this document does not authorize a child support enforcement agency to redirect child support payments. I further understand that to have an existing child support order modified or a new child support order issued administrative or judicial proceedings must be initiated.~~ 276

WARNING: DO NOT SIGN THIS FORM IF ANY OF THE ABOVE STATEMENTS ARE INCORRECT. FALSIFICATION IS A CRIME UNDER SECTION 2921.13 OF THE REVISED CODE, PUNISHABLE BY THE SANCTIONS UNDER CHAPTER 2929. OF THE REVISED CODE, INCLUDING A TERM OF IMPRISONMENT OF UP TO 6 MONTHS, A FINE OF UP TO \$1,000, OR BOTH. 277 278 279 280 281

I declare that the foregoing is true and correct: 282

Signed:..... Date:..... 283

Grandparent 284

State of Ohio) 285

) ss: 286

County of) 287

Subscribed, sworn to, and acknowledged before me this day 288

of, 289

..... 290

Notary Public 291

Notices: 292

1. The grandparent's signature must be notarized by an Ohio notary public. 293
2. The grandparent who executed this affidavit must file it with the juvenile court of the county in which the grandparent resides or any other court that has jurisdiction over the child under a previously filed motion or proceeding not later than five days after the date it is executed. 294
3. This affidavit does not affect the rights of the child's parents, guardian, or custodian regarding the care, physical custody, and control of the child, and does not give the grandparent legal custody of the child. 295
4. A person or entity that relies on this affidavit, in good faith, has no obligation to make any further inquiry or investigation. 296
5. This affidavit terminates on the occurrence of whichever of the following occurs first: (1) the child ceases to live with the grandparent who signs this form; (2) the parent, guardian, or custodian of the child acts to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit, and the grandparent either voluntarily returns the child to the physical custody of the parent, guardian, or custodian or fails to file a complaint to seek custody within fourteen days; (3) the affidavit is terminated by court order; (4) the death of the child who is the subject of the affidavit; or (5) the death of the grandparent who executed the affidavit. 297

A parent, guardian, or custodian may negate, reverse, or 298

disapprove a grandparent's action or decision only by delivering written notice of negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit.

If this affidavit terminates other than by the death of the grandparent, the grandparent who signed this affidavit shall notify, in writing, all of the following: 299

(a) Any schools, health care providers, or health insurance coverage provider with which the child has been involved through the grandparent; 300

(b) Any other person or entity that has an ongoing relationship with the child or grandparent such that the person or entity would reasonably rely on the affidavit unless notified of the termination; 301

(c) The court in which the affidavit was filed after its creation. 302

The grandparent shall make the notifications not later than one week after the date the affidavit terminates. 303

6. The decision of a grandparent to consent to or to refuse medical treatment or school enrollment for a child is superseded by a contrary decision of a parent, custodian, or guardian of the child, unless the decision of the parent, guardian, or custodian would jeopardize the life, health, or safety of the child. 304

Additional information: 305

To caretakers: 306

1. If the child stops living with you, you are required to notify, in writing, any school, health care provider, or health care insurance provider to which you have given this affidavit. You are also required to notify, in writing, any 307

other person or entity that has an ongoing relationship with you or the child such that the person or entity would reasonably rely on the affidavit unless notified. The notifications must be made not later than one week after the child stops living with you.

2. If you do not have the information requested in item 7 (Ohio driver's license or identification card), provide another form of identification such as your social security number or medicaid number. 308
3. You must include with the caretaker authorization affidavit the following information: 309
 - (a) The child's present address, the addresses of the places where the child has lived within the last five years, and the name and present address of each person with whom the child has lived during that period; 310
 - (b) Whether you have participated as a party, a witness, or in any other capacity in any other litigation, in this state or any other state, that concerned the allocation, between the parents of the same child, of parental rights and responsibilities for the care of the child and the designation of the residential parent and legal custodian of the child or that otherwise concerned the custody of the same child; 311
 - (c) Whether you have information of any parenting proceeding concerning the child pending in a court of this or any other state; 312
 - (d) Whether you know of any person who has physical custody of the child or claims to be a parent of the child who is designated the residential parent and legal custodian of the child or to have parenting time rights with respect to the child or to be a person other than a parent of the child who has custody or visitation rights with respect to the child; 313

(e) Whether you previously have been convicted of or 314
pleaded guilty to any criminal offense involving any act that
resulted in a child's being an abused child or a neglected
child or previously have been determined, in a case in which a
child has been adjudicated an abused child or a neglected
child, to be the perpetrator of the abusive or neglectful act
that was the basis of the adjudication.

4. If the child's parent, guardian, or custodian acts to 315
terminate the caretaker authorization affidavit by delivering
a written notice of negation, reversal, or disapproval of an
action or decision of yours or removes the child from your
home and if you believe that the termination or removal is not
in the best interest of the child, you may, within fourteen
days, file a complaint in the juvenile court to seek custody.
You may retain physical custody of the child until the
fourteen-day period elapses or, if you file a complaint, until
the court orders otherwise.

To school officials: 316

1. This affidavit, properly completed and notarized, authorizes 317
the child in question to attend school in the district in
which the grandparent who signed this affidavit resides and
the grandparent is authorized to provide consent in all
school-related matters and to discuss with the school district
the child's educational progress. This affidavit does not
preclude the parent, guardian, or custodian of the child from
having access to all school records pertinent to the child.
2. The school district may require additional reasonable evidence 318
that the grandparent lives at the address provided in item 5
of the affidavit.
3. A school district or school official that reasonably and in 319
good faith relies on this affidavit has no obligation to make

any further inquiry or investigation.

4. The act of a parent, guardian, or custodian of the child to 320
negate, reverse, or otherwise disapprove an action or decision
of the grandparent who signed this affidavit constitutes
termination of this affidavit. A parent, guardian, or
custodian may negate, reverse, or disapprove a grandparent's
action or decision only by delivering written notice of
negation, reversal, or disapproval to the grandparent and the
person acting on the grandparent's action or decision in
reliance on this affidavit.

To health care providers: 321

1. A person or entity that acts in good faith reliance on a 322
CARETAKER AUTHORIZATION AFFIDAVIT to provide medical,
psychological, or dental treatment, without actual knowledge
of facts contrary to those stated in the affidavit, is not
subject to criminal liability or to civil liability to any
person or entity, and is not subject to professional
disciplinary action, solely for such reliance if the
applicable portions of the form are completed and the
grandparent's signature is notarized.
2. The decision of a grandparent, based on a CARETAKER 323
AUTHORIZATION AFFIDAVIT, shall be honored by a health care
facility or practitioner, school district, or school official
unless the health care facility or practitioner or educational
facility or official has actual knowledge that a parent,
guardian, or custodian of a child has made a contravening
decision to consent to or to refuse medical treatment for the
child.
3. The act of a parent, guardian, or custodian of the child to 324
negate, reverse, or otherwise disapprove an action or decision
of the grandparent who signed this affidavit constitutes

termination of this affidavit. A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's action or decision only by delivering written notice of negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit.

Sec. 3111.01. ~~(A)~~(A)(1) As used in sections 3111.01 to 325
3111.85 of the Revised Code, "parent and child relationship" means 326
the legal relationship that exists between a child and the child's 327
natural or adoptive parents and upon which those sections and any 328
other provision of the Revised Code confer or impose rights, 329
privileges, duties, and obligations. The "parent and child 330
relationship" includes the mother and child relationship and the 331
father and child relationship. 332

~~(B)~~(2) The parent and child relationship extends equally to 333
all children and all parents, regardless of the marital status of 334
the parents. 335

(B) As used in this chapter, "caretaker" has the same meaning 336
as in section 3119.01 of the Revised Code. 337

Sec. 3111.04. (A)(1) Except as provided in division (A)(2) of 338
this section, an action to determine the existence or nonexistence 339
of the father and child relationship may be brought by the child 340
or the child's personal representative, the child's caretaker, the 341
child's mother or her personal representative, a man alleged or 342
alleging himself to be the child's father, the child support 343
enforcement agency of the county in which the child resides if the 344
child's mother, father, or alleged father is a recipient of public 345
assistance or of services under Title IV-D of the "Social Security 346
Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, or the 347

alleged father's personal representative. 348

(2) A man alleged or alleging himself to be the child's 349
father is not eligible to file an action under division (A)(1) of 350
this section if the man was convicted of or pleaded guilty to rape 351
or sexual battery, the victim of the rape or sexual battery was 352
the child's mother, and the child was conceived as a result of the 353
rape or sexual battery. 354

(B) An agreement does not bar an action under this section. 355

(C) If an action under this section is brought before the 356
birth of the child and if the action is contested, all 357
proceedings, except service of process and the taking of 358
depositions to perpetuate testimony, may be stayed until after the 359
birth. 360

(D) A recipient of public assistance or of services under 361
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 362
U.S.C.A. 651, as amended, shall cooperate with the child support 363
enforcement agency of the county in which a child resides to 364
obtain an administrative determination pursuant to sections 365
3111.38 to 3111.54 of the Revised Code, or, if necessary, a court 366
determination pursuant to sections 3111.01 to 3111.18 of the 367
Revised Code, of the existence or nonexistence of a parent and 368
child relationship between the father and the child. If the 369
recipient fails to cooperate, the agency may commence an action to 370
determine the existence or nonexistence of a parent and child 371
relationship between the father and the child pursuant to sections 372
3111.01 to 3111.18 of the Revised Code. 373

(E) As used in this section: 374

(1) "Public assistance" means both of the following: 375

(a) Medicaid; 376

(b) Ohio works first under Chapter 5107. of the Revised Code.	377
(2) "Rape" means a violation of section 2907.02 of the Revised Code or similar law of another state.	378 379
(3) "Sexual battery" means a violation of section 2907.03 of the Revised Code or similar law of another state.	380 381
<u>Sec. 3111.041. A caretaker of a child may authorize genetic testing of the child pursuant to any action or proceeding under Chapter 3111. of the Revised Code.</u>	382 383 384
Sec. 3111.06. (A) Except as otherwise provided in division (B) or , (C), <u>or</u> (D) of section 3111.381 of the Revised Code, an action authorized under sections 3111.01 to 3111.18 of the Revised Code may be brought in the juvenile court or other court with jurisdiction under section 2101.022 or 2301.03 of the Revised Code of the county in which the child, the child's mother, or the alleged father resides or is found or, if the alleged father is deceased, of the county in which proceedings for the probate of the alleged father's estate have been or can be commenced, or of the county in which the child is being provided support by the county department of job and family services of that county. An action pursuant to sections 3111.01 to 3111.18 of the Revised Code to object to an administrative order issued pursuant to former section 3111.21 or 3111.22 or sections 3111.38 to 3111.54 of the Revised Code determining the existence or nonexistence of a parent and child relationship that has not become final and enforceable, may be brought only in the juvenile court or other court with jurisdiction of the county in which the child support enforcement agency that issued the order is located. If an action for divorce, dissolution, or legal separation has been filed in a court of common pleas, that court of common pleas has original jurisdiction	385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405

to determine if the parent and child relationship exists between 406
one or both of the parties and any child alleged or presumed to be 407
the child of one or both of the parties. 408

(B) A person who has sexual intercourse in this state submits 409
to the jurisdiction of the courts of this state as to an action 410
brought under sections 3111.01 to 3111.18 of the Revised Code with 411
respect to a child who may have been conceived by that act of 412
intercourse. In addition to any other method provided by the Rules 413
of Civil Procedure, personal jurisdiction may be acquired by 414
personal service of summons outside this state or by certified 415
mail with proof of actual receipt. 416

Sec. 3111.07. (A) The natural mother, each man presumed to be 417
the father under section 3111.03 of the Revised Code, ~~and~~ each man 418
alleged to be the natural father, and a caretaker of a child shall 419
be made parties to the action brought pursuant to sections 3111.01 420
to 3111.18 of the Revised Code or, if not subject to the 421
jurisdiction of the court, shall be given notice of the action 422
pursuant to the Rules of Civil Procedure and shall be given an 423
opportunity to be heard. The child support enforcement agency of 424
the county in which the action is brought also shall be given 425
notice of the action pursuant to the Rules of Civil Procedure and 426
shall be given an opportunity to be heard. The court may align the 427
parties. The child shall be made a party to the action unless a 428
party shows good cause for not doing so. Separate counsel shall be 429
appointed for the child if the court finds that the child's 430
interests conflict with those of the mother. 431

If the person bringing the action knows that a particular man 432
is not or, based upon the facts and circumstances present, could 433
not be the natural father of the child, the person bringing the 434

action shall not allege in the action that the man is the natural
father of the child and shall not make the man a party to the
action.

435
436
437

(B) If an action is brought pursuant to sections 3111.01 to
3111.18 of the Revised Code and the child to whom the action
pertains is or was being provided support by a caretaker, the
department of job and family services, a county department of job
and family services, or another public agency, the caretaker,
department, county department, or agency may intervene for
purposes of collecting or recovering the support.

438
439
440
441
442
443
444

Sec. 3111.111. If an action is brought pursuant to sections
3111.01 to 3111.18 of the Revised Code to object to a
determination made pursuant to former section 3111.21 or 3111.22
or sections 3111.38 to 3111.54 of the Revised Code that the
alleged father is the natural father of a child, the court, on its
own motion or on the motion of either party, shall issue a
temporary order for the support of the child pursuant to Chapters
3119., 3121., 3123., and 3125. of the Revised Code requiring the
alleged father to pay support to the natural mother or the
~~guardian or legal custodian~~ caretaker of the child. The order
shall remain in effect until the court issues a judgment in the
action pursuant to section 3111.13 of the Revised Code that
determines the existence or nonexistence of a father and child
relationship. If the court, in its judgment, determines that the
alleged father is not the natural father of the child, the court
shall order the person to whom the temporary support was paid
under the order to repay the alleged father all amounts paid for
support under the temporary order.

445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462

Sec. 3111.15. (A) If the existence of the father and child

463

relationship is declared or if paternity or a duty of support has 464
 been adjudicated under sections 3111.01 to 3111.18 of the Revised 465
 Code or under prior law, the obligation of the father may be 466
 enforced in the same or other proceedings by the mother, the 467
 child, the caretaker of the child, or the public authority that 468
 has furnished or may furnish the reasonable expenses of pregnancy, 469
 confinement, education, support, or funeral, or by any other 470
 person, including a private agency, to the extent that any of them 471
 may furnish, has furnished, or is furnishing these expenses. 472

(B) The court may order support payments to be made to the 473
 mother, the clerk of the court, the caretaker, or a person or 474
 agency designated to administer them for the benefit of the child 475
 under the supervision of the court. 476

(C) Willful failure to obey the judgment or order of the 477
 court is a civil contempt of the court." 478

After line 34988, insert: 479

"**Sec. 3111.29.** Once an acknowledgment of paternity becomes 480
 final under section 3111.25 of the Revised Code, the mother or 481
~~other custodian or guardian~~ caretaker of the child may do either 482
 of the following: 483

(A) File a complaint pursuant to section 2151.231 of the 484
 Revised Code in the juvenile court or other court with 485
 jurisdiction under section 2101.022 or 2301.03 of the Revised Code 486
 of the county in which the child or the ~~guardian or legal~~ 487
~~custodian~~ caretaker of the child resides requesting that the court 488
 order the father or mother, or both, to pay an amount for the 489
 support of the child; 490

(B) Contact the child support enforcement agency for 491

assistance in obtaining a child support order as defined in 492
 section 3119.01 of the Revised Code." 493

After line 35041, insert: 494

"**Sec. 3111.38.** At the request of a person described in 495
 division (A) of section 3111.04 of the Revised Code, the child 496
 support enforcement agency of the county in which a child resides 497
 or in which the ~~guardian or legal custodian~~ caretaker of the child 498
 resides shall determine the existence or nonexistence of a parent 499
 and child relationship between an alleged father and the child if 500
 an application for services administered under Title IV-D of the 501
 "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, as 502
 amended, or other IV-D referral has been completed and filed. 503

Sec. 3111.381. (A) Except as provided in divisions (B), (C), 504
 (D), ~~and~~ (E), and (F) of this section, no person may bring an 505
 action under sections 3111.01 to 3111.18 of the Revised Code 506
 unless the person has requested an administrative determination 507
 under section 3111.38 of the Revised Code of the existence or 508
 nonexistence of a parent and child relationship. 509

(B) An action to determine the existence or nonexistence of a 510
 parent and child relationship may be brought by the child's mother 511
 in the appropriate division of the court of common pleas in the 512
 county in which the child resides, without requesting an 513
 administrative determination, if the child's mother brings the 514
 action in order to request an order to determine the allocation of 515
 parental rights and responsibilities, the payment of all or any 516
 part of the reasonable expenses of the mother's pregnancy and 517
 confinement, or support of the child. The clerk of the court shall 518
 forward a copy of the complaint to the child support enforcement 519
 agency of the county in which the complaint is filed. 520

(C) An action to determine the existence or nonexistence of a parent and child relationship may be brought by the putative father of the child in the appropriate division of the court of common pleas in the county in which the child resides, without requesting an administrative determination, if the putative father brings the action in order to request an order to determine the allocation of parental rights and responsibilities. The clerk of the court shall forward a copy of the complaint to the child support enforcement agency of the county in which the complaint is filed.

(D) An action to determine the existence or nonexistence of a parent and child relationship may be brought by the caretaker of the child in the appropriate division of the court of common pleas in the county in which the child resides, without requesting an administrative determination, if the caretaker brings the action in order to request support of the child. The clerk of the court shall forward a copy of the complaint to the child support enforcement agency of the county in which the complaint is filed.

(E) If services are requested by the court, under divisions (B) ~~and~~, (C), ~~and~~ (D) of this section, of the child support enforcement agency to determine the existence or nonexistence of a parent and child relationship, a Title IV-D application must be completed and delivered to the child support enforcement agency.

~~(E)~~(F) If the alleged father of a child is deceased and proceedings for the probate of the estate of the alleged father have been or can be commenced, the court with jurisdiction over the probate proceedings shall retain jurisdiction to determine the existence or nonexistence of a parent and child relationship between the alleged father and any child without an administrative determination being requested from a child support enforcement

agency. 551

If an action for divorce, dissolution of marriage, or legal 552
separation, or an action under section 2151.231 or 2151.232 of the 553
Revised Code requesting an order requiring the payment of child 554
support and provision for the health care of a child, has been 555
filed in a court of common pleas and a question as to the 556
existence or nonexistence of a parent and child relationship 557
arises, the court in which the original action was filed shall 558
retain jurisdiction to determine the existence or nonexistence of 559
the parent and child relationship without an administrative 560
determination being requested from a child support enforcement 561
agency. 562

If a juvenile court or other court with jurisdiction under 563
section 2101.022 or 2301.03 of the Revised Code issues a support 564
order under section 2151.231 or 2151.232 of the Revised Code 565
relying on a presumption under section 3111.03 of the Revised 566
Code, the juvenile court or other court with jurisdiction that 567
issued the support order shall retain jurisdiction if a question 568
as to the existence of a parent and child relationship arises." 569

After line 35058, insert: 570

"**Sec. 3111.48.** An administrative officer shall include in an 571
order issued under section 3111.46 of the Revised Code a notice 572
that contains the information described in section 3111.49 of the 573
Revised Code informing the mother, father, and ~~the guardian or~~ 574
~~legal custodian~~ caretaker of the child of the right to bring an 575
action under sections 3111.01 to 3111.18 of the Revised Code and 576
of the effect of failure to timely bring the action. 577

An agency shall include in an administrative order issued 578
under section 3111.47 of the Revised Code a notice that contains 579

the information described in section 3111.50 of the Revised Code 580
 informing the parties of their right to bring an action under 581
 sections 3111.01 to 3111.18 of the Revised Code. 582

Sec. 3111.49. The mother, alleged father, and ~~guardian or~~ 583
~~legal custodian~~ caretaker of a child may object to an 584
 administrative order determining the existence or nonexistence of 585
 a parent and child relationship by bringing, within fourteen days 586
 after the date the administrative officer issues the order, an 587
 action under sections 3111.01 to 3111.18 of the Revised Code in 588
 the juvenile court or other court with jurisdiction under section 589
 2101.022 or 2301.03 of the Revised Code in the county in which the 590
 child support enforcement agency that employs the administrative 591
 officer who issued the order is located. If the action is not 592
 brought within the fourteen-day period, the administrative order 593
 is final and enforceable by a court and may not be challenged in 594
 an action or proceeding under Chapter 3111. of the Revised Code." 595

After line 35112, insert: 596

"Sec. 3111.78. A parent, ~~guardian, or legal custodian of a~~ 597
~~child, the person with whom the child resides, or~~ caretaker of the 598
child, or the child support enforcement agency of the county in 599
 which the child, parent, ~~guardian, or legal custodian~~ or caretaker 600
 of the child resides may do either of the following to require a 601
 man to pay support and provide for the health care needs of the 602
 child if the man is presumed to be the natural father of the child 603
 under section 3111.03 of the Revised Code: 604

(A) If the presumption is not based on an acknowledgment of 605
 paternity, file a complaint pursuant to section 2151.231 of the 606
 Revised Code in the juvenile court or other court with 607
 jurisdiction under section 2101.022 or 2301.03 of the Revised Code 608

of the county in which the child, parent, ~~guardian~~, or legal
eustodian caretaker resides; 609
610

(B) Contact a child support enforcement agency to request 611
assistance in obtaining an order for support and the provision of 612
health care for the child. 613

Sec. 3119.01. (A) As used in the Revised Code, "child support 614
enforcement agency" means a child support enforcement agency 615
designated under former section 2301.35 of the Revised Code prior 616
to October 1, 1997, or a private or government entity designated 617
as a child support enforcement agency under section 307.981 of the 618
Revised Code. 619

(B) As used in this chapter and Chapters 3121., 3123., and 620
3125. of the Revised Code: 621

(1) "Administrative child support order" means any order 622
issued by a child support enforcement agency for the support of a 623
child pursuant to section 3109.19 or 3111.81 of the Revised Code 624
or former section 3111.211 of the Revised Code, section 3111.21 of 625
the Revised Code as that section existed prior to January 1, 1998, 626
or section 3111.20 or 3111.22 of the Revised Code as those 627
sections existed prior to March 22, 2001. 628

(2) "Child support order" means either a court child support 629
order or an administrative child support order. 630

(3) "Obligee" means the person who is entitled to receive the 631
support payments under a support order. 632

(4) "Obligor" means the person who is required to pay support 633
under a support order. 634

(5) "Support order" means either an administrative child 635
support order or a court support order. 636

(C) As used in this chapter:	637
(1) <u>"Caretaker" means any of the following, other than a parent:</u>	638
(a) <u>A person with whom the child resides for at least thirty consecutive days, and who is the child's primary caregiver;</u>	639
(b) <u>A person who is receiving public assistance on behalf of the child;</u>	640
(c) <u>A person or agency with legal custody of the child, including a county department of job and family services or a public children services agency;</u>	641
(d) <u>A guardian of the person or the estate of a child;</u>	642
(e) <u>Any other appropriate court or agency with custody of the child.</u>	643
<u>"Caretaker" excludes a "host family" as defined under section 2151.90 of the Revised Code.</u>	644
(2) "Cash medical support" means an amount ordered to be paid in a child support order toward the ordinary medical expenses incurred during a calendar year.	645
(2) (3) "Child care cost" means annual out-of-pocket costs for the care and supervision of a child or children subject to the order that is related to work or employment training.	646
(3) (4) "Court child support order" means any order issued by a court for the support of a child pursuant to Chapter 3115. of the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.	647
	648
	649
	650
	651
	652
	653
	654
	655
	656
	657
	658
	659
	660
	661
	662
	663
	664

~~(4)~~(5) "Court-ordered parenting time" means the amount of 665
parenting time a parent is to have under a parenting time order or 666
the amount of time the children are to be in the physical custody 667
of a parent under a shared parenting order. 668

~~(5)~~(6) "Court support order" means either a court child 669
support order or an order for the support of a spouse or former 670
spouse issued pursuant to Chapter 3115. of the Revised Code, 671
section 3105.18, 3105.65, or 3113.31 of the Revised Code, or 672
division (B) of former section 3113.21 of the Revised Code. 673

~~(6)~~(7) "CPI-U" means the consumer price index for all urban 674
consumers, published by the United States department of labor, 675
bureau of labor statistics. 676

~~(7)~~(8) "Extraordinary medical expenses" means any uninsured 677
medical expenses incurred for a child during a calendar year that 678
exceed the total cash medical support amount owed by the parents 679
during that year. 680

~~(8)~~(9) "Federal poverty level" has the same meaning as in 681
section 5121.30 of the Revised Code. 682

~~(9)~~(10) "Income" means either of the following: 683

(a) For a parent who is employed to full capacity, the gross 684
income of the parent; 685

(b) For a parent who is unemployed or underemployed, the sum 686
of the gross income of the parent and any potential income of the 687
parent. 688

~~(10)~~(11) "Income share" means the percentage derived from a 689
comparison of each parent's annual income after allowable 690
deductions and credits as indicated on the worksheet to the total 691
annual income of both parents. 692

~~(11)~~(12) "Insurer" means any person authorized under Title 693
 XXXIX of the Revised Code to engage in the business of insurance 694
 in this state, any health insuring corporation, and any legal 695
 entity that is self-insured and provides benefits to its employees 696
 or members. 697

~~(12)~~(13) "Gross income" means, except as excluded in division 698
~~(C)~~~~(12)~~(C)(13) of this section, the total of all earned and 699
 unearned income from all sources during a calendar year, whether 700
 or not the income is taxable, and includes income from salaries, 701
 wages, overtime pay, and bonuses to the extent described in 702
 division (D) of section 3119.05 of the Revised Code; commissions; 703
 royalties; tips; rents; dividends; severance pay; pensions; 704
 interest; trust income; annuities; social security benefits, 705
 including retirement, disability, and survivor benefits that are 706
 not means-tested; workers' compensation benefits; unemployment 707
 insurance benefits; disability insurance benefits; benefits that 708
 are not means-tested and that are received by and in the 709
 possession of the veteran who is the beneficiary for any 710
 service-connected disability under a program or law administered 711
 by the United States department of veterans' affairs or veterans' 712
 administration; spousal support actually received; and all other 713
 sources of income. "Gross income" includes income of members of 714
 any branch of the United States armed services or national guard, 715
 including, amounts representing base pay, basic allowance for 716
 quarters, basic allowance for subsistence, supplemental 717
 subsistence allowance, cost of living adjustment, specialty pay, 718
 variable housing allowance, and pay for training or other types of 719
 required drills; self-generated income; and potential cash flow 720
 from any source. 721

"Gross income" does not include any of the following: 722

(a) Benefits received from means-tested government administered programs, including Ohio works first; prevention, retention, and contingency; means-tested veterans' benefits; supplemental security income; supplemental nutrition assistance program; disability financial assistance; or other assistance for which eligibility is determined on the basis of income or assets;	723 724 725 726 727 728
(b) Benefits for any service-connected disability under a program or law administered by the United States department of veterans' affairs or veterans' administration that are not means-tested, that have not been distributed to the veteran who is the beneficiary of the benefits, and that are in the possession of the United States department of veterans' affairs or veterans' administration;	729 730 731 732 733 734 735
(c) Child support amounts received for children who are not included in the current calculation;	736 737
(d) Amounts paid for mandatory deductions from wages such as union dues but not taxes, social security, or retirement in lieu of social security;	738 739 740
(e) Nonrecurring or unsustainable income or cash flow items;	741
(f) Adoption assistance, kinship guardianship assistance, and foster care maintenance payments made pursuant to Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as amended;	742 743 744 745
(g) State kinship guardianship assistance described in section 5153.163 of the Revised Code and payment from the kinship support program described in section 5101.881 of the Revised Code.	746 747 748
(13) (14) "Nonrecurring or unsustainable income or cash flow item" means an income or cash flow item the parent receives in any year or for any number of years not to exceed three years that the	749 750 751

parent does not expect to continue to receive on a regular basis. 752
"Nonrecurring or unsustainable income or cash flow item" does not 753
include a lottery prize award that is not paid in a lump sum or 754
any other item of income or cash flow that the parent receives or 755
expects to receive for each year for a period of more than three 756
years or that the parent receives and invests or otherwise uses to 757
produce income or cash flow for a period of more than three years. 758

~~(14)~~(15) "Ordinary medical expenses" includes copayments and 759
deductibles, and uninsured medical-related costs for the children 760
of the order. 761

~~(15)(a)~~(16)(a) "Ordinary and necessary expenses incurred in 762
generating gross receipts" means actual cash items expended by the 763
parent or the parent's business and includes depreciation expenses 764
of business equipment as shown on the books of a business entity. 765

(b) Except as specifically included in "ordinary and 766
necessary expenses incurred in generating gross receipts" by 767
division ~~(C)~~~~(15)(a)~~(C)(16)(a) of this section, "ordinary and 768
necessary expenses incurred in generating gross receipts" does not 769
include depreciation expenses and other noncash items that are 770
allowed as deductions on any federal tax return of the parent or 771
the parent's business. 772

~~(16)~~(17) "Personal earnings" means compensation paid or 773
payable for personal services, however denominated, and includes 774
wages, salary, commissions, bonuses, draws against commissions, 775
profit sharing, vacation pay, or any other compensation. 776

~~(17)~~(18) "Potential income" means both of the following for a 777
parent who the court pursuant to a court support order, or a child 778
support enforcement agency pursuant to an administrative child 779
support order, determines is voluntarily unemployed or voluntarily 780
underemployed: 781

(a) Imputed income that the court or agency determines the parent would have earned if fully employed as determined from the following criteria:	782
	783
	784
(i) The parent's prior employment experience;	785
(ii) The parent's education;	786
(iii) The parent's physical and mental disabilities, if any;	787
(iv) The availability of employment in the geographic area in which the parent resides;	788
	789
(v) The prevailing wage and salary levels in the geographic area in which the parent resides;	790
	791
(vi) The parent's special skills and training;	792
(vii) Whether there is evidence that the parent has the ability to earn the imputed income;	793
	794
(viii) The age and special needs of the child for whom child support is being calculated under this section;	795
	796
(ix) The parent's increased earning capacity because of experience;	797
	798
(x) The parent's decreased earning capacity because of a felony conviction;	799
	800
(xi) Any other relevant factor.	801
(b) Imputed income from any nonincome-producing assets of a parent, as determined from the local passbook savings rate or another appropriate rate as determined by the court or agency, not to exceed the rate of interest specified in division (A) of section 1343.03 of the Revised Code, if the income is significant.	802
	803
	804
	805
	806
(18) (19) "Schedule" means the basic child support schedule created pursuant to section 3119.021 of the Revised Code.	807
	808

~~(19)~~(20) "Self-generated income" means gross receipts 809
 received by a parent from self-employment, proprietorship of a 810
 business, joint ownership of a partnership or closely held 811
 corporation, and rents minus ordinary and necessary expenses 812
 incurred by the parent in generating the gross receipts. 813
 "Self-generated income" includes expense reimbursements or in-kind 814
 payments received by a parent from self-employment, the operation 815
 of a business, or rents, including company cars, free housing, 816
 reimbursed meals, and other benefits, if the reimbursements are 817
 significant and reduce personal living expenses. 818

~~(20)~~(21) "Self-sufficiency reserve" means the minimal amount 819
 necessary for an obligor to adequately subsist upon, as determined 820
 under section 3119.021 of the Revised Code. 821

~~(21)~~(22) "Split parental rights and responsibilities" means a 822
 situation in which there is more than one child who is the subject 823
 of an allocation of parental rights and responsibilities and each 824
 parent is the residential parent and legal custodian of at least 825
 one of those children. 826

~~(22)~~(23) "Worksheet" means the applicable worksheet created 827
 in rules adopted under section 3119.022 of the Revised Code that 828
 is used to calculate a parent's child support obligation." 829

After line 35192, insert: 830

Sec. 3119.06. (A) Except as otherwise provided in this 831
 section, in any action in which a court or a child support 832
 enforcement agency issues or modifies a child support order or in 833
 any other proceeding in which a court or agency determines the 834
 amount of child support to be paid pursuant to a child support 835
 order, the court or agency shall issue a minimum child support 836
 order requiring the obligor to pay a minimum of eighty dollars a 837

month for all the children subject to that order. The court or 838
agency, in its discretion and in appropriate circumstances, may 839
issue a minimum child support order of less than eighty dollars a 840
month or issue an order not requiring the obligor to pay any child 841
support amount. The circumstances under which a court or agency 842
may issue such an order include the nonresidential parent's 843
medically verified or documented physical or mental disability or 844
institutionalization in a facility for persons with a mental 845
illness or any other circumstances considered appropriate by the 846
court or agency. 847

If a court or agency issues a minimum child support 848
obligation pursuant to this section and the obligor under the 849
support order is the recipient of means-tested public assistance, 850
as described in division ~~(C)(12)(a)~~(C)(13)(a) of section 3119.01 851
of the Revised Code, any unpaid amounts of support due under the 852
support order shall accrue as arrearages from month to month, and 853
the obligor's current obligation to pay the support due under the 854
support order is suspended during any period of time that the 855
obligor is receiving means-tested public assistance and is 856
complying with any seek work orders issued pursuant to section 857
3121.03 of the Revised Code. The court, obligee, and child support 858
enforcement agency shall not enforce the obligation of the obligor 859
to pay the amount of support due under the support order while the 860
obligor is receiving means-tested public assistance and is 861
complying with any seek work orders issued pursuant to section 862
3121.03 of the Revised Code. 863

(B) As used in this section, "means-tested public assistance" 864
includes cash assistance payments under the Ohio works first 865
program established under Chapter 5107. of the Revised Code, 866
financial assistance under the disability financial assistance 867

program established under Chapter 5115. of the Revised Code, 868
 supplemental security income, or means-tested veterans' benefits. 869

Sec. 3119.07. (A) Except when the parents have split parental 870
 rights and responsibilities, a parent's child support obligation 871
 for a child for whom the parent is the residential parent and 872
 legal custodian shall be presumed to be spent on that child and 873
 shall not become part of a child support order, and a parent's 874
 child support obligation for a child for whom the parent is not 875
 the residential parent and legal custodian shall become part of a 876
 child support order. 877

(B) If the parents have split parental rights and 878
 responsibilities, the child support obligations of the parents 879
 shall be offset, and ~~the court shall issue a child support order~~ 880
~~requiring~~ the parent with the larger child support obligation ~~to~~ 881
shall pay the net amount pursuant to the child support order. 882

(C) If neither parent of a child who is the subject of a 883
 child support order is the residential parent and legal custodian 884
 of the child and the child resides with a ~~third party who is the~~ 885
~~legal custodian of the child~~ caretaker, ~~the court shall issue a~~ 886
~~child support order requiring~~ each parent ~~to~~ shall pay that 887
 parent's child support obligation pursuant to the child support 888
 order. 889

Sec. 3119.95. A child support order subject to sections 890
3119.951 to 3119.9541 of the Revised Code shall include the health 891
care coverage and cash medical support required for the child 892
subject to the order. 893

Sec. 3119.951. The caretaker of a child may file an 894
application for Title IV-D services with the child support 895

enforcement agency in the county in which the caretaker resides to 896
obtain support for the care of the child. 897

Sec. 3119.953. (A) On receipt of an application for Title 898
IV-D services from the caretaker of a child under section 3119.951 899
of the Revised Code, or a Title IV-D services referral regarding 900
the child, the child support enforcement agency shall determine 901
whether the child is the subject of an existing child support 902
order. 903

(B) If the child is the subject of an existing child support 904
order, the agency shall comply with sections 3119.955 to 3119.9519 905
of the Revised Code. 906

(C) If the child is not the subject of an existing child 907
support order, the agency shall comply with sections 3119.9523 and 908
3119.9525 of the Revised Code. 909

Sec. 3119.955. (A) If a child support enforcement agency 910
determines under section 3119.953 of the Revised Code that there 911
is an existing child support order regarding the child in the care 912
of a caretaker, the agency shall determine if any reason exists 913
for which the child support order should be redirected to the 914
caretaker. If the agency determines that the caretaker is the 915
primary caregiver of the child, the agency shall determine that a 916
reason exists for redirection. 917

(B) If the agency determines that a reason exists for 918
redirection, the agency also shall determine all of the following: 919

(1) The amount of each parent's obligation under the existing 920
child support order that may be subject to redirection; 921

(2) Whether any prior redirection has been terminated under 922

<u>sections 3119.9531 to 3119.9535 of the Revised Code;</u>	923
<u>(3) Whether any arrearages are owed, and the recommended</u>	924
<u>payment amount to satisfy such arrears;</u>	925
<u>(4) If more than one child is subject to the existing child</u>	926
<u>support order, whether the child support order for all or some of</u>	927
<u>the children shall be subject to redirection.</u>	928
<u>(C) The agency shall make the determinations required under</u>	929
<u>this section not later than twenty days after receipt of a Title</u>	930
<u>IV-D services application or referral under section 3119.953 of</u>	931
<u>the Revised Code.</u>	932
<u>Sec. 3119.957. If the child support enforcement agency</u>	933
<u>determines under section 3119.955 of the Revised Code that more</u>	934
<u>than one child is the subject of a child support order and the</u>	935
<u>order for fewer than all of the children should be redirected, the</u>	936
<u>agency shall determine the amount of child support to be</u>	937
<u>redirected, which amount shall equal the pro rata share of the</u>	938
<u>child support amounts for each such child under the child support</u>	939
<u>order. The agency also shall make, in relation to the</u>	940
<u>determination of the amount of child support that may be</u>	941
<u>redirected, a determination regarding the health care coverage and</u>	942
<u>cash medical support under the child support order that may be</u>	943
<u>redirected.</u>	944
<u>Sec. 3119.9511. Not later than twenty days after completion</u>	945
<u>of an investigation of a child support order under section</u>	946
<u>3119.955 or 3119.957 of the Revised Code, the child support</u>	947
<u>enforcement agency shall determine, based on the information</u>	948
<u>gathered, whether the order shall or shall not be redirected under</u>	949
<u>sections 3119.9513 and 3119.9515 of the Revised Code.</u>	950

Sec. 3119.9513. If the child support enforcement agency 951
determines that a child support order should be redirected, the 952
agency shall do one of the following: 953

(A) For an administrative child support order, the agency 954
shall issue a redirection order that shall include the child 955
support amount to be redirected and provisions for redirection 956
regarding health care coverage and cash medical support. 957

(B) For a court child support order, the agency shall 958
recommend to the court that has jurisdiction over the support 959
order to issue a redirection order and include the child support 960
amount to be redirected and provisions for redirection regarding 961
health care coverage and cash medical support. 962

Sec. 3119.9515. (A) On issuing an order or making a 963
recommendation under section 3119.9513 of the Revised Code, the 964
child support enforcement agency shall provide notice of the 965
following to the parent or caretaker of the child subject to the 966
order or recommendation: 967

(1) The results of its investigation under section 3119.955 968
or 3119.957 of the Revised Code; 969

(2) For an administrative child support order, notice of the 970
following: 971

(a) That the agency has issued a redirection order under 972
section 3119.9513 of the Revised Code regarding the child support 973
order and a copy of the redirection order; 974

(b) The right to object to the redirection order by bringing 975
an action under section 2151.231 of the Revised Code not later 976
than fourteen days after the order is issued; 977

<u>(c) That the order becomes final and enforceable if no timely objection is made;</u>	978
	979
<u>(d) The effective date of the order as determined under section 3119.9519 of the Revised Code.</u>	980
	981
<u>(3) For a court child support order, notice of the following:</u>	982
<u>(a) That the agency has made a recommendation for a redirection order under section 3119.9513 of the Revised Code to the court that has jurisdiction over the court child support order, and a copy of the recommendation;</u>	983
	984
	985
	986
<u>(b) The right to object to the redirection by requesting a hearing with the court that has jurisdiction over the court child support order not later than fourteen days after the recommendation is issued;</u>	987
	988
	989
	990
<u>(c) That the recommendation will be submitted to the court for inclusion in a redirection order, unless a request for a court hearing is made not later than fourteen days after the recommendation is issued;</u>	991
	992
	993
	994
<u>(d) The effective date of the redirection order as determined under section 3119.9519 of the Revised Code.</u>	995
	996
<u>(B) The notice under division (A) of this section shall be included as part of the applicable order or recommendation.</u>	997
	998
<u>Sec. 3119.9517. (A) A parent or caretaker may object to an order issued under section 3119.9513 of the Revised Code by bringing an action under section 2151.231 of the Revised Code not later than fourteen days after the notice is issued under division (A)(2) of section 3119.9515 of the Revised Code. The order shall be final and enforceable if no objection is timely made.</u>	999
	1000
	1001
	1002
	1003
	1004
<u>(B) A parent or caretaker may object to a recommendation</u>	1005

issued under section 3119.9513 of the Revised Code by requesting a 1006
hearing with the court that has jurisdiction over the court child 1007
support order not later than fourteen days after the 1008
recommendation is issued under division (A)(3) of section 1009
3119.9515 of the Revised Code. The recommendation shall be 1010
submitted to the court for inclusion in a redirection order, 1011
unless a request for a court hearing is made not later than 1012
fourteen days after the recommendation is issued. 1013

Sec. 3119.9519. (A) The redirection of a child support order 1014
under a redirection order that has become final as provided under 1015
section 3119.9517 of the Revised Code shall take effect as of, and 1016
relate back to, the date that the child support enforcement agency 1017
received the Title IV-D services application or referral under 1018
section 3119.953 of the Revised Code that initiated the 1019
proceedings resulting in the order. 1020

(B) A redirection order under section 3119.9517 of the 1021
Revised Code based on a recommendation for redirection shall take 1022
effect as of, and relate back to, the date that the child support 1023
enforcement agency received the Title IV-D services application or 1024
referral under section 3119.953 of the Revised Code that initiated 1025
the proceedings resulting in the redirection order. 1026

Sec. 3119.9523. If a child support enforcement agency 1027
determines under section 3119.953 of the Revised Code that the 1028
child in the care of the caretaker is not subject to an existing 1029
child support order, the agency shall determine, not later than 1030
twenty days after its receipt of the Title IV-D services 1031
application or referral under section 3119.953 of the Revised 1032
Code, whether any reason exists for which a child support order 1033
for the child should be imposed. That determination shall include 1034

<u>whether the caretaker is the child's primary caregiver.</u>	1035
<u>Sec. 3119.9525. If, pursuant to an investigation under</u>	1036
<u>section 3119.9523 of the Revised Code, the child support</u>	1037
<u>enforcement agency determines that a reason exists for a child</u>	1038
<u>support order to be imposed regarding the child subject of the</u>	1039
<u>investigation, the agency shall comply with sections 3111.80 to</u>	1040
<u>3111.84 of the Revised Code.</u>	1041
<u>Sec. 3119.9527. If a child support enforcement agency</u>	1042
<u>receives notice that a caretaker is no longer the primary</u>	1043
<u>caregiver for a child subject to a redirection order or</u>	1044
<u>recommendation issued under section 3119.9513 of the Revised Code,</u>	1045
<u>the agency shall do both of the following:</u>	1046
<u>(A) Investigate whether the caretaker to whom support amounts</u>	1047
<u>are redirected under the existing redirection order or</u>	1048
<u>recommendation is still the primary caregiver for the child;</u>	1049
<u>(B) Take action as applicable under sections 3119.9529 to</u>	1050
<u>3119.9535 of the Revised Code.</u>	1051
<u>Sec. 3119.9529. If, upon investigation under section</u>	1052
<u>3119.9527 of the Revised Code, the child support enforcement</u>	1053
<u>agency determines that the caretaker to whom support amounts are</u>	1054
<u>redirected remains the primary caregiver of the child who is the</u>	1055
<u>subject of the redirection order or recommendation, the agency</u>	1056
<u>shall take no further action on the notice received under section</u>	1057
<u>3119.9527 of the Revised Code.</u>	1058
<u>Sec. 3119.9531. If, after an investigation under section</u>	1059
<u>3119.9527 of the Revised Code, the child support enforcement</u>	1060

agency determines that a new caretaker is the primary caregiver 1061
for the child who is the subject of the redirection order or 1062
recommendation, the agency shall do both of the following: 1063

(A) Terminate the existing redirection order or request that 1064
the court terminate the redirection order based on the 1065
recommendation, whichever is applicable; 1066

(B) Direct the new caretaker to file an application for Title 1067
IV-D services under section 3119.951 of the Revised Code. 1068

Sec. 3119.9533. If, after an investigation under section 1069
3119.9527 of the Revised Code, the child support enforcement 1070
agency determines that a parent of the child who is the subject of 1071
the redirection order or recommendation is the primary caregiver 1072
of the child, the agency shall do one of the following: 1073

(A) If the parent is the obligee under the child support 1074
order that is subject to redirection, terminate the existing 1075
redirection order or request the court to terminate the 1076
redirection order based on the recommendation, whichever is 1077
applicable. 1078

(B) If the parent is the obligor under the child support 1079
order that is subject to redirection: 1080

(1) Terminate the existing redirection order or request the 1081
court to terminate the redirection order based on the 1082
recommendation, whichever is applicable; and 1083

(2) Notify the obligor that he or she may do the following: 1084

(a) Request that the child support order be terminated 1085
pursuant to section 3119.87 of the Revised Code; 1086

(b) Request either of the following, whichever is applicable: 1087

(i) For an administrative child support order, request a review of the order under sections 3119.60 and 3119.61 of the Revised Code; 1088
1089
1090

(ii) For a court child support order, request the court with jurisdiction over the order to amend the order. 1091
1092

Sec. 3119.9535. If, after an investigation under section 3119.9527 of the Revised Code, the child support enforcement agency determines that the child who is the subject of the redirection order or recommendation is not under the care of any individual, the agency shall do the following: 1093
1094
1095
1096
1097

(A) Terminate the existing redirection order or request the court to terminate the redirection order based on the recommendation, whichever is applicable; 1098
1099
1100

(B) If the agency becomes aware of circumstances indicating that the child may be abused or neglected, make a report under section 2151.421 of the Revised Code. 1101
1102
1103

Sec. 3119.9537. (A) If a child support enforcement agency receives a notification under section 3119.9527 of the Revised Code, the agency shall impound any funds received on behalf of the child pursuant to the child support order to which the notification applies. 1104
1105
1106
1107
1108

(B) Impoundment shall continue under this section until the occurrence of any of the following: 1109
1110

(1) The agency makes a determination under section 3119.9529 of the Revised Code; 1111
1112

(2) The agency issues a redirection order for a new caretaker under sections 3119.951 to 3119.9519 and 3119.9531 of the Revised 1113
1114

<u>Code;</u>	1115
<u>(3) The agency, under section 3119.9533 of the Revised Code,</u>	1116
<u>terminates the redirection order or a court terminates its</u>	1117
<u>redirection order;</u>	1118
<u>(C) On termination of impoundment as described in division</u>	1119
<u>(B) of this section, impounded amounts shall be paid to the</u>	1120
<u>obligee designated under the child support order or under the</u>	1121
<u>applicable redirection order.</u>	1122
<u>Sec. 3119.9539. Impoundment of child support under section</u>	1124
<u>3119.9537 of the Revised Code regarding a redirection order</u>	1125
<u>described in section 3119.9535 of the Revised Code shall continue</u>	1126
<u>until further order from the child support enforcement agency</u>	1127
<u>administering the administrative child support order or from the</u>	1128
<u>court with jurisdiction over the court child support order,</u>	1129
<u>whichever is applicable.</u>	1130
<u>Sec. 3119.9541. The director of job and family services shall</u>	1131
<u>adopt rules in accordance with Chapter 119. of the Revised Code to</u>	1132
<u>provide for both of the following:</u>	1133
<u>(A) Requirements for child support enforcement agencies to</u>	1134
<u>conduct investigations and issue findings pursuant to sections</u>	1135
<u>3119.955 and 3119.957 of the Revised Code;</u>	1136
<u>(B) Any other standards, forms, or procedures needed to</u>	1137
<u>ensure uniform implementation of sections 3119.95 to 3119.9539 of</u>	1138
<u>the Revised Code.</u>	1139
<u>Sec. 3121.29. Each support order, or modification of a</u>	1140
<u>support order, shall contain a notice that states the following in</u>	1141
<u>boldface type and in all capital letters:</u>	1142

"EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD 1143
 SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT 1144
 MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE 1145
 TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY 1146
 CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF 1147
 ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT OR AGENCY, 1148
 WHICHEVER ISSUED THE SUPPORT ORDER. 1149

IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU 1150
 FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY BE FINED UP TO 1151
 \$50 FOR A FIRST OFFENSE, \$100 FOR A SECOND OFFENSE, AND \$500 FOR 1152
 EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER 1153
 ANY SUPPORT ORDER ISSUED BY A COURT AND YOU WILLFULLY FAIL TO GIVE 1154
 THE REQUIRED NOTICES, YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE 1155
 SUBJECTED TO FINES UP TO \$1,000 AND IMPRISONMENT FOR NOT MORE THAN 1156
 90 DAYS. 1157

IF YOU ARE AN OBLIGOR OR OBLIGEE AND YOU FAIL TO GIVE THE 1158
 REQUIRED NOTICES TO THE CHILD SUPPORT ENFORCEMENT AGENCY, YOU MAY 1159
 NOT RECEIVE NOTICE OF THE CHANGES AND REQUESTS TO CHANGE THE CHILD 1160
 SUPPORT AMOUNT, HEALTH CARE PROVISIONS, REDIRECTION, OR 1161
 TERMINATION OF THE CHILD SUPPORT ORDER. IF YOU ARE AN OBLIGOR AND 1162
 YOU FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY NOT RECEIVE NOTICE 1163
 OF THE FOLLOWING ENFORCEMENT ACTIONS AGAINST YOU: IMPOSITION OF 1164
 LIENS AGAINST YOUR PROPERTY; LOSS OF YOUR PROFESSIONAL OR 1165
 OCCUPATIONAL LICENSE, DRIVER'S LICENSE, OR RECREATIONAL LICENSE; 1166
 WITHHOLDING FROM YOUR INCOME; ACCESS RESTRICTION AND DEDUCTION 1167
 FROM YOUR ACCOUNTS IN FINANCIAL INSTITUTIONS; AND ANY OTHER ACTION 1168
 PERMITTED BY LAW TO OBTAIN MONEY FROM YOU TO SATISFY YOUR SUPPORT 1169
 OBLIGATION. " 1170

In line 108802, after "2151.031," insert "2151.231," 1171

In line 108806, after "3101.08," insert "3103.03," 1172

In line 108807, after "3109.178," insert "3109.53, 3109.66, 1173
 3111.01, 3111.04, 3111.041, 3111.06, 3111.07, 3111.111, 3111.15," 1174

In line 108808, after "3111.23," insert "3111.29,"; after 1175
 "3111.31," insert "3111.38, 3111.381,"; after "3111.44," insert 1176
 "3111.48, 3111.49,"; after "3111.72," insert "3111.78, 3119.01," 1177

In line 108809, after "3119.023," insert "3119.06, 3119.07, 1178
 3121.29," 1179

In line 108913, after "3111.40," insert "3121.46," 1180

After line 236045, insert: 1181

"**Section 812.____.** (A) The following sections of this act take 1182
 effect six months after the effective date of this section: 1183

(1) The amendment or enactment of sections 2151.231, 3103.03, 1184
 3109.53, 3109.66, 3111.01, 3111.04, 3111.041, 3111.06, 3111.07, 1185
 3111.111, 3111.15, 3111.29, 3111.38, 3111.381, 3111.48, 3111.49, 1186
 3111.78, 3119.01, 3119.06, 3119.07, 3119.95, 3119.951, 3119.953, 1187
 3119.955, 3119.957, 3119.9511, 3119.9513, 3119.9515, 3119.9517, 1188
 3119.9519, 3119.9523, 3119.9525, 3119.9527, 3119.9529, 3119.9531, 1189
 3119.9533, 3119.9535, 3119.9537, 3119.9539, 3119.9541, and 3121.29 1190
 of the Revised Code; 1191

(2) The repeal of section 3121.46 of the Revised Code. 1192

(B) During the six-month period after the effective date of 1193
 this section, the Ohio Department of Job and Family Services shall 1194
 perform system changes, create rules and forms, and make any other 1195
 changes as necessary to implement the amendments, enactments, and 1196
 repeals listed in this section." 1197

The motion was _____ agreed to.

SYNOPSIS

Redirecting and issuing child support to nonparent caretakers	1198
R.C. 2151.231, 3103.03, 3109.53, 3109.66, 3111.01, 3111.04,	1199
3111.041, 3111.06, 3111.07, 3111.111, 3111.15, 3111.29, 3111.38,	1200
3111.381, 3111.48, 3111.49, 3111.78, 3119.01, 3119.06, 3119.07,	1201
3119.95, 3119.951, 3119.953, 3119.955, 3119.957, 3119.9511,	1202
3119.9513, 3119.9515, 3119.9517, 3119.9519, 3119.9523, 3119.9525,	1203
3119.9527, 3119.9529, 3119.9531, 3119.9533, 3119.9535, 3119.9537,	1204
3119.9539, 3119.9541, and 3121.29; R.C. 3121.46 (repealed)	1205
 Restores Executive provisions removed by the Senate	1206
substitute bill that do the following:	1207
 - Permit child support amounts under existing child support	1208
orders to be redirected, and under new child support orders to be	1209
issued, to a nonparent caretaker who is the primary caregiver of a	1210
child.	1211
 - Allow a caretaker to file an application for Title IV-D	1212
services with the child support enforcement agency (CSEA) in the	1213
county in which the caretaker resides to obtain support for the	1214
care of the child.	1215
 - Require, upon receipt of a caretaker's Title IV-D	1216
application or a referral for Title IV-D services, the CSEA to	1217
investigate whether the child is the subject of an existing child	1218
support order, and if so, require an investigation and certain	1219
determinations regarding support for the child.	1220
 - Require, if a CSEA determines that a child support order	1221
exists, the CSEA to determine whether an existing support order	1222
should be redirected, and establish provisions for notice,	1223
objection, and effective dates of redirection orders or	1224

recommendations.	1225
- Require, if a CSEA determines that no child support order exists, the CSEA to determine whether any reason exists for which a child support order should be imposed, and require the CSEA to comply with existing laws regarding the administrative issuance of a child support order.	1226 1227 1228 1229 1230
- Establish procedures that a CSEA must follow if it receives notice that a caretaker is no longer the primary caregiver of a child, including what to do if the same caretaker remains the primary caregiver, a new caretaker is the primary caregiver, if a parent is the primary caregiver, or if no one is the primary caregiver of the child.	1231 1232 1233 1234 1235 1236
- Require the impoundment of any funds received on behalf of a child pursuant to a child support order while the CSEA investigates whether a caretaker is no longer the primary caregiver of a child.	1237 1238 1239 1240
- Authorize the Director of Job and Family Services to adopt rules, exempt from the regulatory restriction reduction requirements under Ohio law, to implement the redirection process required in the bill.	1241 1242 1243 1244
- Amend several existing law provisions regarding the establishment of parentage and bringing an action for child support to permit caretakers to receive child support.	1245 1246 1247
- Add a statement that appears to attempt to clarify that a parent's duty to support the parent's minor child may be enforced by a child support order.	1248 1249 1250
- Require, if a child who is the subject of a child support order resides with a caretaker and neither parent is the residential parent and legal custodian of the child, the court to	1251 1252 1253

issue a child support order requiring each parent to pay that	1254
child's child support obligation.	1255
- Repeal language in the power of attorney form and caretaker	1256
authorization affidavit form regarding grandparents caring for	1257
their grandchildren, which language provides that the power of	1258
attorney or affidavit does not allow a CSEA to redirect child	1259
support payments to the grandparent.	1260
- Add redirection to a list of notices under existing law	1261
that must be included in each support order or modification.	1262
- Repeal a provision of law that generally provides that when	1263
a support order is issued or modified, the court or CSEA may issue	1264
an order requiring payment to a third person that is agreed upon	1265
by the parents.	1266
- Delay the effective date of these provisions for six months	1267
during which time the ODJFS may take action to implement those	1268
provisions.	1269

_____ moved to amend as follows:

1 In line 217 of the title, after "3313.6029," insert
2 "3313.6030,"

3 In line 784, after "3313.6029," insert "3313.6030,"

4 In line 37179, after "Code" insert "i

5 (x) Having received sufficient remediation under section
6 3313.6030 of the Revised Code, as determined by the department"

7 After line 38869, insert:

8 "Sec. 3313.6030. (A) As used in this section:

9 (1) "Qualifying student" means a student who demonstrates a
10 limited level of skill on a state assessment in mathematics,
11 science, or English language arts.

12 (2) "State assessment" means an achievement assessment
13 prescribed under section 3301.0710 of the Revised Code or an
14 end-of-course examination prescribed under section 3301.0712 of
15 the Revised Code.

16 (B) Each school district, community school established
17 pursuant to Chapter 3314., and STEM school established pursuant
18 to Chapter 3326. of the Revised Code shall provide academic
19 intervention services, free of cost, to each qualifying student.

20 The district or school shall provide those services directly or
21 through a contracted vendor. A district or school shall not
22 refer a qualifying student for tutoring or informally recommend
23 that such student receive some other form of support without
24 actually providing those services.

25 (C) Academic intervention services provided to a student
26 under this section may encompass a wide and open-ended variety
27 of supports, including tutoring, additional instruction time,
28 participation in a learning support program, or any other
29 academically centered support service that the district or
30 school determines will improve the student's academic
31 performance.

32 (D) Each district and school annually shall provide the
33 department of education and workforce, in a form and manner
34 prescribed by the department, any information the department
35 determines is necessary for it to track and monitor the academic
36 progress of students receiving intervention services under this
37 section. The department shall track and monitor those students
38 and may index diagnostic assessments provided to them to
39 determine whether each student makes progress toward
40 demonstrating grade level proficiency and no longer needs
41 intervention services.

42 (E) The department annually shall administer a self-
43 reporting survey to all districts and schools with students

44 receiving intervention services pursuant to this section. The
45 department shall prepare a report of that information, which
46 shall include at least all of the following:

47 (1) A list of districts and schools that the department has
48 determined are providing academic intervention services pursuant
49 to this section;

50 (2) A list of districts and schools that are not providing
51 academic intervention services pursuant to this section;

52 (3) A list of districts and schools that failed to respond
53 to the survey.

54 (F) Not later than the fifteenth day of November each year,
55 the department shall present the report required under division
56 (E) of this section to the standing committees of the house of
57 representatives and the senate that consider primary and
58 secondary education legislation, the governor, and the
59 superintendent of public instruction."

60 In line 40125, after "3313.6029," insert "3313.6030,"

61 In line 47167, after "3313.6029," insert "3313.6030,"

62 The motion was _____ agreed to.

63

SYNOPSIS

64

Academic intervention services for qualifying students

65

R.C. 3302.03, 3313.6030, 3314.03, and 3326.11

66

Requires each school district, community school, and STEM school to provide, directly or through a contracted vendor, academic intervention services, free of cost, to any student enrolled in the district or school that demonstrates a limited level of skill on a state assessment in math, science, or English language arts.

72

Requires the Department of Education and Workforce (DEW) to track and monitor whether students receiving those services are making academic progress toward no longer needing them.

75

Requires DEW, by November 15 each year, to present a report to the House and Senate education committees, the Governor, and the Superintendent of Public Instruction about the schools that are providing academic intervention services provided to students.

80

Requires DEW to include a student who receives sufficient remediation under the provision in the postsecondary readiness measure used to calculate the College, Career, Workforce, and Military Readiness component on the state report card.

_____ moved to amend as follows:

1 In line 51845, after "age" insert "i
2 (3) Beginning on July 1, 2023, less than twenty-four years
3 of age;

4 (4) Beginning on July 1, 2024, less than twenty-five years
5 of age"

6 In line 226183, delete "\$12,115,000 \$12,478,000" and
7 insert "\$12,615,000 \$12,978,000"

8 In line 226189, add \$500,000 to each fiscal year

9 In line 226246, add \$500,000 to each fiscal year

10 In line 236031, after "122.4040," insert "3701.021,"

11 The motion was _____ agreed to.

12 SYNOPSIS

13 **Program for Medically Handicapped Children eligibility**

14 **R.C. 3701.021**

15 Expands eligibility for the Program for Medically
16 Handicapped Children (renamed the Program for Children and Youth
17 with Special Health Care Needs in the bill) by extending the age
18 limit by one year each year in 2023 and 2024. The final increase
19 in 2024 increases the age limit for participants to 25 (from 23
20 in current law).

SC3245

21 Specifies that this change is exempt from the referendum
22 and takes immediate effect.

23 **Department of Health**

24 **Section 291.10**

25 Increases GRF ALI 440505, Children and Youth with Special
26 Health Care Needs, by \$500,000 in each fiscal year.

_____ moved to amend as follows:

1 In line 95 of the title, delete "3715.021,"

2 In line 696, delete "3715.021,"

3 Delete lines 54189 through 54223

4 In line 108834, delete "3715.021,"

5 The motion was _____ agreed to.

6 SYNOPSIS

7 **Wineries and food processing establishment registration**

8 **R.C. 3715.021**

9 Removes the bill's provision that excludes a winery that is
10 allowed to distribute its wine to retail liquor permit holders
11 from regulation by the Department of Agriculture under the law
12 governing food processing establishments.

_____ moved to amend as follows:

1 In line 221813, delete "\$6,100,000" and insert "\$4,200,000"

2 In line 221815, after "Basin" insert ", and other priority
3 regions as defined by the Director of Agriculture,"

4 The motion was _____ agreed to.

5 SYNOPSIS

6 **Department of Agriculture**

7 **Section 211.20**

8 Reduces the H2Ohio-related earmark for soil and water
9 conservation districts in the Western Lake Erie Basin under GRF
10 ALI 700509, Soil and Water District Support, from \$6.1 million
11 to \$4.2 million in each fiscal year, and includes other priority
12 regions as determined by the Director of Agriculture as eligible
13 for conservation district money under the ALI.

_____ moved to amend as follows:

1 In line 8854, delete "the director" and insert "that"

2 The motion was _____ agreed to.

3 SYNOPSIS

4 **Welcome Home Ohio (WHO) Program: technical amendment**

5 **R.C. 122.633**

6 Corrects a typographical error in a provision added by the
7 Senate substitute bill authorizing a nonrefundable income tax
8 credit for owner-occupied housing development.

_____ moved to amend as follows:

1 Delete lines 25921 through 25927

2 The motion was _____ agreed to.

3 SYNOPSIS

4 **Municipal income tax: inquiries, notices, and penalties**

5 **R.C. 718.85**

6 Removes a provision, added by the House, requiring the Tax
7 Commissioner to reimburse a taxpayer for reasonable costs, up to
8 \$150, incurred in responding to a municipal income tax notice
9 prohibited by the bill.

_____ moved to amend as follows:

1 In line 96081, after the underlined period insert "Any
2 exemption application filed with the tax commissioner under
3 section 5715.27 of the Revised Code under the second ordinance
4 shall identify the nonperforming parcels included in the second
5 district, the original ordinance under which the nonperforming
6 parcels were originally exempted, and the value history of each
7 nonperforming parcel since the enactment of the original
8 ordinance."

9 In line 97075, after the underlined period insert "Any
10 exemption application filed with the tax commissioner under
11 section 5715.27 of the Revised Code under the second resolution
12 shall identify the nonperforming parcels included in the second
13 district, the original resolution under which the nonperforming
14 parcels were originally exempted, and the value history of each
15 nonperforming parcel since the enactment of the original
16 resolution."

17 The motion was _____ agreed to.

18

SYNOPSIS

19

TIF districts - nonperforming parcels

20

R.C. 5709.40 and 5709.73

21

Requires a township or municipal corporation that, pursuant to authority added by the House, removes a parcel from one tax increment financing (TIF) district and includes them in another to identify the parcels, the original TIF ordinance, and the parcels' value history when applying to the Tax Commissioner for TIF tax exemptions for the second TIF district.

22

23

24

25

26

_____ moved to amend as follows:

1 In line 106532, after the underlined comma insert
2 "beginning in fiscal year 2025,"

3 In line 106535, delete "August" and insert "September"

4 In line 106536, delete "July" and insert "August"

5 In line 106542, delete "August" and insert "September"

6 After line 106543, insert:

7 "Nothing in division (F)(2) of this section shall be
8 construed to require the commissioner to reduce the withholding
9 rates to an amount that would result in payment of less than the
10 amount of tax reasonably estimated to be due. Division (F)(2) of
11 this section does not apply to the rates of withholding for
12 taxes imposed pursuant to Chapter 5748. of the Revised Code."

13 The motion was _____ agreed to.

14 SYNOPSIS

15 **Income tax withholding rates**

16 **R.C. 5747.06**

17 Modifies a provision added in the Senate substitute bill
18 that requires the Tax Commissioner to reduce income tax

SC3261X1

19 withholding rates so that the estimated reduction in collections
20 equals the amount of Budget Stabilization Fund investment
21 earnings credited to the GRF in the previous fiscal year, as
22 follows:

23 - Requires the reductions to begin on September 1 of each
24 year, rather than August 1.

25 - Clarifies that the withholding rate reductions do not
26 apply to school district income taxes.

_____ moved to amend as follows:

1 In line 12488, strike through "thirty-first" and insert
2 "first"; strike through "July" and insert "September"

3 In line 103747, after the underlined period insert "The
4 commissioner shall notify vendors of the dates on which a sales
5 tax holiday will be held not later than the first day of June
6 preceding the holiday."

7 In line 233724, after the period insert "In making that
8 determination and, if applicable, for the purposes of
9 determining the length of a sales tax holiday held in August
10 2025 pursuant to division (B)(2) of section 131.44 of the
11 Revised Code, the Commissioner shall multiply the expected
12 annual growth percentage in nonauto sales tax receipts expected
13 by the Office of Budget and Management for fiscal year 2024 by
14 the total sales tax receipts of taxpayers that filed returns for
15 August 2023; add that product to the total sales tax receipts
16 for returns filed for August 2023; and subtract from that sum
17 the total sales tax receipts of taxpayers that filed returns for
18 August 2024."

19 The motion was _____ agreed to.

20

SYNOPSIS

21

Expanded sales tax holiday

22

R.C. 131.44 and 5739.41; Section 510.10

23

24

Modifies a provision added in the Senate substitute bill that authorizes expanded sales tax holidays, as follows:

25

26

27

- Requires the Tax Commissioner to provide notice of a sales tax holiday no later than the first day of June preceding the holiday.

28

29

30

- Extends the timeline for determining whether a sales tax holiday will be held in the following fiscal year, beginning in FY 2025, from July 31 to September 1.

31

32

33

- Specifies the method that the Tax Commissioner must use to calculate revenue forgone as a result of the August 2024 expanded holiday.

_____ moved to amend as follows:

1 In line 231600, delete "or" and insert a comma

2 In line 231602, after "debt" insert ", or to extend the
3 period in which that full debt is retired"

4 The motion was _____ agreed to.

5 SYNOPSIS

6 **Department of Higher Education**

7 **Section 381.570**

8 Restores, to the As Introduced and As Passed by the House
9 versions of the bill, the requirement that any new pledge or
10 adjustment of fees made in the FY 2024-FY 2025 biennium to
11 extend the period in which that full debt is retired is only
12 effective after approval by the Chancellor, unless approved in a
13 previous biennium.

_____ moved to amend as follows:

1 After line 223230, insert:

2 "On July 1, 2023, or as soon as possible thereafter, the
3 Director of Budget and Management may transfer \$15,000,000 cash
4 from the State Small Business Credit Initiative Fund (Fund 3FJ0)
5 to the MBD Financial Assistance Fund (Fund 5XH0). All repayments
6 of loans issued under Fund 5XH0 shall be credited to the fund."

7 The motion was _____ agreed to.

8 SYNOPSIS

9 **Department of Development**

10 **Section 259.30**

11 Permits the OBM Director to transfer \$15,000,000 cash from
12 the State Small Business Credit Initiative Fund (Fund 3FJ0) to
13 the MBD Financial Assistance Fund (Fund 5XH0) in FY 2024.

14 Requires all loan repayments of loans issued under Fund
15 5XH0 to be credited to the fund.

_____ moved to amend as follows:

1 After line 227179, insert:

2 "An amount equal to the unexpended, unencumbered balance of
3 appropriation item 600661, Child Care ARPA Supplement, at the
4 end of fiscal year 2024 is hereby reappropriated to the same
5 appropriation item for the same purpose in fiscal year 2025."

6 The motion was _____ agreed to.

7 SYNOPSIS

8 **Department of Job and Family Services**

9 **Section 307.230**

10 Reappropriates the available balance in Fund 3H70 ALI
11 600661, Child Care ARPA Supplement, at the end of FY 2024 to
12 FY 2025 for the same purpose.

_____ moved to amend as follows:

1 In line 235370, delete "\$25,200,000" and insert
2 "\$31,400,000"; strike through "\$15,200,000" and insert
3 "\$25,200,000"

4 In line 235371, delete "\$25,200,000" and insert
5 "\$31,400,000"; strike through "\$15,200,000" and insert
6 "\$25,200,000"

7 In line 235372, delete "\$25,200,000" and insert
8 "\$31,400,000"; strike through "\$15,200,000" and insert
9 "\$25,200,000"

10 After line 235408, insert:

11 "Of the foregoing appropriation item 195629, Roadwork
12 Development, \$10,000,000 in each fiscal year shall be used to
13 support local roads impacted by the Intel economic development
14 project."

15 The motion was _____ agreed to.

16

SYNOPSIS

17

Department of Development

18

Section 610.130

19

20

21

22

Amends Sections 207.10 and 207.20 of H.B. 23 of the 135th General Assembly to increase Fund 4W00 ALI 195629, Roadwork Development Grant, by \$16,200,000 in fiscal year 2024 and \$10,000,000 in fiscal year 2025.

23

24

Earmarks \$10,000,000 in each fiscal year under the ALI for local roads impacted by the Intel economic development project.

Sub. H.B. 33
L-135-0001-5
DEV071

_____ moved to amend as follows:

In line 12 of the title, after "122.073," insert "122.16,"; 1
after "122.171," insert "122.173,"; after "122.1710," insert 2
"122.19, 122.21," 3

In line 13 of the title, after "122.23," insert "122.25," 4

In line 634, after "122.073," insert "122.16,"; after 5
"122.171," insert "122.173,"; after "122.1710," insert "122.19, 6
122.21,"; after "122.23," insert "122.25," 7

After line 6510, insert: 8

"**Sec. 122.16.** (A) As used in this section: 9

(1) "Distressed area" means either a municipal corporation 10
that has a population of at least fifty thousand according to the 11
most recent federal decennial census published by the United 12
States census bureau, or a county, that meets at least two of the 13
following criteria: 14

(a) Its average rate of unemployment, during the most recent 15
five-year period for which ~~data~~ local area unemployment statistics 16
published by the United States bureau of labor statistics are 17
available, as of the date the most recent federal decennial census 18
was published, is equal to ~~at least~~ or greater than one hundred 19

twenty-five per cent of the average rate of unemployment for the 20
United States for the same period. 21

~~(b)~~ ~~It has a~~ (b)(i) In the case of a county, its per capita 22
personal income is equal to or below less than eighty per cent of 23
the ~~median county~~ per capita personal income of the United States 24
as determined by the most recently available ~~figures~~ data from the 25
United States ~~census~~ department of commerce, bureau of economic 26
analysis as of the date the most recent federal decennial census 27
was published. 28

~~(e)(i)(ii)~~ In the case of a municipal corporation, ~~at least~~ 29
~~twenty per cent of the residents have a total income for the most~~ 30
~~recent census year that is below the official poverty line~~ its per 31
capita income is equal to or less than eighty per cent of the per 32
capita income of the United States as determined by the most 33
recently available five-year estimates published in the American 34
community survey as of the date the most recent federal decennial 35
census was published. 36

~~(ii)(c)(i)~~ In the case of a county, ~~in intercensal years, the~~ 37
~~county has a~~ its ratio of personal current transfer payment 38
receipts to total personal income ~~to total county income~~ is equal 39
to or greater than twenty-five per cent, as determined by the most 40
recently available data from the United States department of 41
commerce, bureau of economic analysis as of the date the most 42
recent federal decennial census was published. 43

(ii) In the case of a municipal corporation, the percentage 44
of its residents with incomes below the official poverty line is 45
equal to or greater than twenty per cent as determined by the most 46
recently available five-year estimates published in the American 47
community survey as of the date the most recent federal decennial 48
census was published. 49

If a federal agency ceases to publish the applicable data 50
described in division (A)(1) of this section, the director of 51
development shall designate, on the department of development's 52
web site, an alternative source of the applicable data published 53
by a federal agency or, if no such source is available, another 54
reliable source. 55

(2) "Eligible area" means a distressed area, a labor surplus 56
area, an inner city area, or a situational distress area. 57

(3) "Eligible costs associated with a voluntary action" means 58
costs incurred during the qualifying period in performing a remedy 59
or remedial activities, as defined in section 3746.01 of the 60
Revised Code, and any costs incurred during the qualifying period 61
in performing both a phase I and phase II property assessment, as 62
defined in the rules adopted under section 3746.04 of the Revised 63
Code, provided that the performance of the phase I and phase II 64
property assessment resulted in the implementation of the remedy 65
or remedial activities. 66

(4) "Inner city area" means, in a municipal corporation that 67
has a population of at least one hundred thousand and does not 68
meet the criteria of a labor surplus area or a distressed area, 69
targeted investment areas established by the municipal corporation 70
within its boundaries that are comprised of the most recent census 71
block tracts that individually have at least twenty per cent of 72
their population at or below the state poverty level or other 73
census block tracts contiguous to such census block tracts. 74

(5) "Labor surplus area" means an area designated as a labor 75
surplus area by the United States department of labor. 76

(6) "Official poverty line" has the same meaning as in 77
division (A) of section 3923.51 of the Revised Code. 78

(7) "Partner" includes a member of a limited liability company formed under Chapter 1705. or 1706. of the Revised Code or under the laws of any other state if the limited liability company is not treated as a corporation for purposes of Chapter 5733. of the Revised Code and is not classified as an association taxable as a corporation for federal income tax purposes.

(8) "Partnership" includes a limited liability company formed under Chapter 1705. or 1706. of the Revised Code or under the laws of any other state if the limited liability company is not treated as a corporation for purposes of Chapter 5733. of the Revised Code and is not classified as an association taxable as a corporation for federal income tax purposes.

(9) "Qualifying period" means the period that begins July 1, 1996, and ends June 30, 1999.

(10) "S corporation" means a corporation that has made an election under subchapter S of chapter one of subtitle A of the Internal Revenue Code for its taxable year under the Internal Revenue Code;

(11) "Situational distress area" means a county or a municipal corporation that has experienced or is experiencing a closing or downsizing of a major employer that will adversely affect the economy of the county or municipal corporation. In order for a county or municipal corporation to be designated as a situational distress area, the governing body of the county or municipal corporation shall submit a petition to the director of development in the form prescribed by the director. A county or municipal corporation may be designated as a situational distress area for a period not exceeding thirty-six months.

The petition shall include written documentation that demonstrates all of the following:

(a) The number of jobs lost by the closing or downsizing; 109

(b) The impact that the job loss has on the unemployment rate 110
of the county or municipal corporation as measured by the director 111
of job and family services; 112

(c) The annual payroll associated with the job loss; 113

(d) The amount of state and local taxes associated with the 114
job loss; 115

(e) The impact that the closing or downsizing has on the 116
suppliers located in the county or municipal corporation. 117

(12) "Voluntary action" has the same meaning as in section 118
3746.01 of the Revised Code. 119

(13) "Taxpayer" means a corporation subject to the tax 120
imposed by section 5733.06 of the Revised Code or any person 121
subject to the tax imposed by section 5747.02 of the Revised Code. 122

(14) "Governing body" means the board of county commissioners 123
of a county, the board of township trustees of a township, or the 124
legislative authority of a municipal corporation. 125

(15) "Eligible site" means property for which a covenant not 126
to sue has been issued under section 3746.12 of the Revised Code. 127

(16) "American community survey" means the supplementary 128
statistics collected and published annually by the United States 129
census bureau in accordance with 13 U.S.C. 141 and 193. 130

(B)(1) A taxpayer, partnership, or S corporation that has 131
been issued, under section 3746.12 of the Revised Code, a covenant 132
not to sue for a site by the director of environmental protection 133
during the qualifying period may apply to the director of 134
development, in the manner prescribed by the director, to enter 135
into an agreement under which the applicant agrees to economically 136

redevelop the site in a manner that will create employment 137
opportunities and a credit will be granted to the applicant 138
against the tax imposed by section 5733.06 or 5747.02 of the 139
Revised Code. The application shall state the eligible costs 140
associated with a voluntary action incurred by the applicant. The 141
application shall be accompanied by proof, in a form prescribed by 142
the director of development, that the covenant not to sue has been 143
issued. 144

The applicant shall request the certified professional that 145
submitted the no further action letter for the eligible site under 146
section 3746.11 of the Revised Code to submit an affidavit to the 147
director of development verifying the eligible costs associated 148
with the voluntary action at that site. 149

The director shall review the applications in the order they 150
are received. If the director determines that the applicant meets 151
the requirements of this section, the director may enter into an 152
agreement granting a credit against the tax imposed by section 153
5733.06 or 5747.02 of the Revised Code. In making the 154
determination, the director may consider the extent to which 155
political subdivisions and other units of government will 156
cooperate with the applicant to redevelop the eligible site. The 157
agreement shall state the amount of the tax credit and the 158
reporting requirements described in division (F) of this section. 159

(2) The maximum annual amount of credits the director of 160
development may grant under such agreements shall be as follows: 161

1996 \$5,000,000 162

1997 \$10,000,000 163

1998 \$10,000,000 164

1999 \$5,000,000 165

For any year in which the director of development does not 166
grant tax credits under this section equal to the maximum annual 167
amount, the amount not granted for that year shall be added to the 168
maximum annual amount that may be granted for the following year. 169
However, the director shall not grant any tax credits under this 170
section after June 30, 1999. 171

(C)(1) If the covenant not to sue was issued in connection 172
with a site that is not located in an eligible area, the credit 173
amount is equal to the lesser of five hundred thousand dollars or 174
ten per cent of the eligible costs associated with a voluntary 175
action incurred by the taxpayer, partnership, or S corporation. 176

(2) If a covenant not to sue was issued in connection with a 177
site that is located in an eligible area, the credit amount is 178
equal to the lesser of seven hundred fifty thousand dollars or 179
fifteen per cent of the eligible costs associated with a voluntary 180
action incurred by the taxpayer, partnership, or S corporation. 181

(3) A taxpayer, partnership, or S corporation that has been 182
issued covenants not to sue under section 3746.12 of the Revised 183
Code for more than one site may apply to the director of 184
development to enter into more than one agreement granting a 185
credit against the tax imposed by section 5733.06 or 5747.02 of 186
the Revised Code. 187

(4) For each year for which a taxpayer, partnership, or S 188
corporation has been granted a credit under an agreement entered 189
into under this section, the director of development shall issue a 190
certificate to the taxpayer, partnership, or S corporation 191
indicating the amount of the credit the taxpayer, the partners of 192
the partnership, or the shareholders of the S corporation may 193
claim for that year, not including any amount that may be carried 194
forward from previous years under section 5733.34 of the Revised 195

Code. 196

(D)(1) Each agreement entered into under this section shall 197
incorporate a commitment by the taxpayer, partnership, or S 198
corporation not to permit the use of an eligible site to cause the 199
relocation of employment positions to that site from elsewhere in 200
this state, except as otherwise provided in division (D)(2) of 201
this section. The commitment shall be binding on the taxpayer, 202
partnership, or S corporation for the lesser of five years from 203
the date the agreement is entered into or the number of years the 204
taxpayer, partnership, or S corporation is entitled to claim the 205
tax credit under the agreement. 206

(2) An eligible site may be the site of employment positions 207
relocated from elsewhere in this state if the director of 208
development determines both of the following: 209

(a) That the site from which the employment positions would 210
be relocated is inadequate to meet market and industry conditions, 211
expansion plans, consolidation plans, or other business 212
considerations affecting the relocating employer; 213

(b) That the governing body of the county, township, or 214
municipal corporation from which the employment positions would be 215
relocated has been notified of the possible relocation. 216

For purposes of this section, the movement of an employment 217
position from one political subdivision to another political 218
subdivision shall be considered a relocation of an employment 219
position, but the transfer of an individual employee from one 220
political subdivision to another political subdivision shall not 221
be considered a relocation of an employment position as long as 222
the individual's employment position in the first political 223
subdivision is refilled. 224

(E) A taxpayer, partnership, or S corporation that has entered into an agreement granting a credit against the tax imposed by section 5733.06 or 5747.02 of the Revised Code that subsequently recovers in a lawsuit or settlement of a lawsuit at least seventy-five per cent of the eligible costs associated with a voluntary action shall not claim any credit amount remaining, including any amounts carried forward from prior years, beginning with the taxable year in which the judgment in the lawsuit is entered or the settlement is finally agreed to.

Any amount of credit that a taxpayer, partnership, or S corporation may not claim by reason of this division shall not be considered to have been granted for the purpose of determining the total amount of credits that may be issued under division (B)(2) of this section.

(F) Each year for which a taxpayer, partnership, or S corporation claims a credit under section 5733.34 of the Revised Code, the taxpayer, partnership, or S corporation shall report the following to the director of development:

(1) The status of all cost recovery litigation described in division (E) of this section to which it was a party during the previous year;

(2) Confirmation that the covenant not to sue has not been revoked or has not been voided;

(3) Confirmation that the taxpayer, partnership, or S corporation has not permitted the eligible site to be used in such a manner as to cause the relocation of employment positions from elsewhere in this state in violation of the commitment required under division (D) of this section;

(4) Any other information the director of development

requires to perform the director's duties under this section.	254
(G) The director of development shall annually certify, by	255
the first day of January of each year during the qualifying	256
period, the eligible areas for the calendar year that includes	257
that first day of January.	258
(H) The director of development, in accordance with Chapter	259
119. of the Revised Code, shall adopt rules necessary to implement	260
this section, including rules prescribing forms required for	261
administering this section."	262
After line 7639, insert:	263
" Sec. 122.173. (A) As used in this section:	264
(1) "Manufacturing machinery and equipment" means engines and	265
machinery, and tools and implements, of every kind used, or	266
designed to be used, in refining and manufacturing. "Manufacturing	267
machinery and equipment" does not include property acquired after	268
December 31, 1999, that is used:	269
(a) For the transmission and distribution of electricity;	270
(b) For the generation of electricity, if fifty per cent or	271
more of the electricity that the property generates is consumed,	272
during the one-hundred-twenty-month period commencing with the	273
date the property is placed in service, by persons that are not	274
related members to the person who generates the electricity.	275
(2) "New manufacturing machinery and equipment" means	276
manufacturing machinery and equipment, the original use in this	277
state of which commences with the taxpayer or with a partnership	278
of which the taxpayer is a partner. "New manufacturing machinery	279
and equipment" does not include property acquired after December	280
31, 1999, that is used:	281

(a) For the transmission and distribution of electricity;	282
(b) For the generation of electricity, if fifty per cent or more of the electricity that the property generates is consumed, during the one-hundred-twenty-month period commencing with the date the property is placed in service, by persons that are not related members to the person who generates the electricity.	283 284 285 286 287
(3)(a) "Purchase" has the same meaning as in section 179(d)(2) of the Internal Revenue Code.	288 289
(b) For purposes of this section, any property that is not manufactured or assembled primarily by the taxpayer is considered purchased at the time the agreement to acquire the property becomes binding. Any property that is manufactured or assembled primarily by the taxpayer is considered purchased at the time the taxpayer places the property in service in the county for which the taxpayer will calculate the county excess amount.	290 291 292 293 294 295 296
(c) Notwithstanding section 179(d) of the Internal Revenue Code, a taxpayer's direct or indirect acquisition of new manufacturing machinery and equipment is not purchased on or after July 1, 1995, if the taxpayer, or a person whose relationship to the taxpayer is described in subparagraphs (A), (B), or (C) of section 179(d)(2) of the Internal Revenue Code, had directly or indirectly entered into a binding agreement to acquire the property at any time prior to July 1, 1995.	297 298 299 300 301 302 303 304
(4) "Qualifying period" means the period that begins July 1, 1995, and ends June 30, 2005.	305 306
(5) "County average new manufacturing machinery and equipment investment" means either of the following:	307 308
(a) The average annual cost of new manufacturing machinery and equipment purchased for use in the county during baseline	309 310

years, in the case of a taxpayer that was in existence for more than one year during baseline years. 311
312

(b) Zero, in the case of a taxpayer that was not in existence for more than one year during baseline years. 313
314

(6) "Partnership" includes a limited liability company formed under Chapter 1705. or 1706. of the Revised Code or under the laws of any other state, provided that the company is not classified for federal income tax purposes as an association taxable as a corporation. 315
316
317
318
319

(7) "Partner" includes a member of a limited liability company formed under Chapter 1705. or 1706. of the Revised Code or under the laws of any other state, provided that the company is not classified for federal income tax purposes as an association taxable as a corporation. 320
321
322
323
324

(8) "~~Distressed area~~" ~~means either a municipal corporation that has a population of at least fifty thousand or a county that meets two of the following criteria of economic distress, or a municipal corporation the majority of the population of which is situated in such a county:~~ 325
326
327
328
329

~~(a) Its average rate of unemployment, during the most recent five year period for which data are available, is equal to at least one hundred twenty five per cent of the average rate of unemployment for the United States for the same period;~~ 330
331
332
333

~~(b) It has a per capita income equal to or below eighty per cent of the median county per capita income of the United States as determined by the most recently available figures from the United States census bureau;~~ 334
335
336
337

~~(c)(i) In the case of a municipal corporation, at least twenty per cent of the residents have a total income for the most~~ 338
339

- ~~recent census year that is below the official poverty line;~~ 340
- ~~(ii) In the case of a county, in intercensal years, the~~ 341
~~county has a ratio of transfer payment income to total county~~ 342
~~income equal to or greater than twenty five per cent has the same~~ 343
~~meaning as in section 122.16 of the Revised Code.~~ 344
- (9) "Eligible area" means a distressed area, a labor surplus 345
area, an inner city area, or a situational distress area. 346
- (10) "Inner city area" means, in a municipal corporation that 347
has a population of at least one hundred thousand and does not 348
meet the criteria of a labor surplus area or a distressed area, 349
targeted investment areas established by the municipal corporation 350
within its boundaries that are comprised of the most recent census 351
block tracts that individually have at least twenty per cent of 352
their population at or below the state poverty level or other 353
census block tracts contiguous to such census block tracts. 354
- (11) "Labor surplus area" means an area designated as a labor 355
surplus area by the United States department of labor. 356
- (12) "Official poverty line" has the same meaning as in 357
division (A) of section 3923.51 of the Revised Code. 358
- (13) "Situational distress area" means a county or a 359
municipal corporation that has experienced or is experiencing a 360
closing or downsizing of a major employer that will adversely 361
affect the county's or municipal corporation's economy. In order 362
to be designated as a situational distress area, for a period not 363
to exceed thirty-six months, the county or municipal corporation 364
may petition the director of development. The petition shall 365
include written documentation that demonstrates all of the 366
following adverse effects on the local economy: 367
- (a) The number of jobs lost by the closing or downsizing; 368

(b) The impact that the job loss has on the county's or municipal corporation's unemployment rate as measured by the state director of job and family services;	369 370 371
(c) The annual payroll associated with the job loss;	372
(d) The amount of state and local taxes associated with the job loss;	373 374
(e) The impact that the closing or downsizing has on suppliers located in the county or municipal corporation.	375 376
(14) "Cost" has the same meaning and limitation as in section 179(d)(3) of the Internal Revenue Code.	377 378
(15) "Baseline years" means:	379
(a) Calendar years 1992, 1993, and 1994, with regard to a grant claimed for the purchase during calendar year 1995, 1996, 1997, or 1998 of new manufacturing machinery and equipment;	380 381 382
(b) Calendar years 1993, 1994, and 1995, with regard to a grant claimed for the purchase during calendar year 1999 of new manufacturing machinery and equipment;	383 384 385
(c) Calendar years 1994, 1995, and 1996, with regard to a grant claimed for the purchase during calendar year 2000 of new manufacturing machinery and equipment;	386 387 388
(d) Calendar years 1995, 1996, and 1997, with regard to a grant claimed for the purchase during calendar year 2001 of new manufacturing machinery and equipment;	389 390 391
(e) Calendar years 1996, 1997, and 1998, with regard to a grant claimed for the purchase during calendar year 2002 of new manufacturing machinery and equipment;	392 393 394
(f) Calendar years 1997, 1998, and 1999, with regard to a grant claimed for the purchase during calendar year 2003 of new	395 396

manufacturing machinery and equipment;	397
(g) Calendar years 1998, 1999, and 2000, with regard to a	398
grant claimed for the purchase during calendar year 2004 of new	399
manufacturing machinery and equipment;	400
(h) Calendar years 1999, 2000, and 2001, with regard to a	401
grant claimed for the purchase on or after January 1, 2005, and on	402
or before June 30, 2005, of new manufacturing machinery and	403
equipment.	404
(16) "Related member" has the same meaning as in section	405
5733.042 of the Revised Code.	406
(17) "Qualifying controlled group" has the same meaning as in	407
section 5733.04 of the Revised Code.	408
(18) "Tax liability" has the same meaning as in section	409
122.172 of the Revised Code.	410
(B)(1) Subject to divisions (I) and (J) of this section, a	411
grant is allowed against the tax imposed by section 5733.06 or	412
5747.02 of the Revised Code for a taxpayer that purchases new	413
manufacturing machinery and equipment during the qualifying	414
period, provided that the new manufacturing machinery and	415
equipment are installed in this state not later than June 30,	416
2006.	417
(2)(a) Except as otherwise provided in division (B)(2)(b) of	418
this section, a grant may be claimed under this section in excess	419
of one million dollars only if the cost of all manufacturing	420
machinery and equipment owned in this state by the taxpayer	421
claiming the grant on the last day of the calendar year exceeds	422
the cost of all manufacturing machinery and equipment owned in	423
this state by the taxpayer on the first day of that calendar year.	424
As used in division (B)(2)(a) of this section, "calendar	425

year" means the calendar year in which the machinery and equipment 426
for which the grant is claimed was purchased. 427

(b) Division (B)(2)(a) of this section does not apply if the 428
taxpayer claiming the grant applies for and is issued a waiver of 429
the requirement of that division. A taxpayer may apply to the 430
director of development for such a waiver in the manner prescribed 431
by the director, and the director may issue such a waiver if the 432
director determines that granting the grant is necessary to 433
increase or retain employees in this state, and that the grant has 434
not caused relocation of manufacturing machinery and equipment 435
among counties within this state for the primary purpose of 436
qualifying for the grant. 437

(C)(1) Except as otherwise provided in division (C)(2) and 438
division (I) of this section, the grant amount is equal to seven 439
and one-half per cent of the excess of the cost of the new 440
manufacturing machinery and equipment purchased during the 441
calendar year for use in a county over the county average new 442
manufacturing machinery and equipment investment for that county. 443

(2) Subject to division (I) of this section, as used in 444
division (C)(2) of this section, "county excess" means the 445
taxpayer's excess cost for a county as computed under division 446
(C)(1) of this section. 447

Subject to division (I) of this section, a taxpayer with a 448
county excess, whose purchases included purchases for use in any 449
eligible area in the county, the grant amount is equal to thirteen 450
and one-half per cent of the cost of the new manufacturing 451
machinery and equipment purchased during the calendar year for use 452
in the eligible areas in the county, provided that the cost 453
subject to the thirteen and one-half per cent rate shall not 454
exceed the county excess. If the county excess is greater than the 455

cost of the new manufacturing machinery and equipment purchased 456
during the calendar year for use in eligible areas in the county, 457
the grant amount also shall include an amount equal to seven and 458
one-half per cent of the amount of the difference. 459

(3) If a taxpayer is allowed a grant for purchases of new 460
manufacturing machinery and equipment in more than one county or 461
eligible area, it shall aggregate the amount of those grants each 462
year. 463

(4) Except as provided in division (J) of this section, the 464
taxpayer shall claim one-seventh of the grant amount for the 465
taxable year ending in the calendar year in which the new 466
manufacturing machinery and equipment is purchased for use in the 467
county by the taxpayer or partnership. One-seventh of the taxpayer 468
grant amount is allowed for each of the six ensuing taxable years. 469
Except for carried-forward amounts, the taxpayer is not allowed 470
any grant amount remaining if the new manufacturing machinery and 471
equipment is sold by the taxpayer or partnership or is transferred 472
by the taxpayer or partnership out of the county before the end of 473
the seven-year period unless, at the time of the sale or transfer, 474
the new manufacturing machinery and equipment has been fully 475
depreciated for federal income tax purposes. 476

(5)(a) A taxpayer that acquires manufacturing machinery and 477
equipment as a result of a merger with the taxpayer with whom 478
commenced the original use in this state of the manufacturing 479
machinery and equipment, or with a taxpayer that was a partner in 480
a partnership with whom commenced the original use in this state 481
of the manufacturing machinery and equipment, is entitled to any 482
remaining or carried-forward grant amounts to which the taxpayer 483
was entitled. 484

(b) A taxpayer that enters into an agreement under division 485

(C)(3) of section 5709.62 of the Revised Code and that acquires manufacturing machinery or equipment as a result of purchasing a large manufacturing facility, as defined in section 5709.61 of the Revised Code, from another taxpayer with whom commenced the original use in this state of the manufacturing machinery or equipment, and that operates the large manufacturing facility so purchased, is entitled to any remaining or carried-forward grant amounts to which the other taxpayer who sold the facility would have been entitled under this section had the other taxpayer not sold the manufacturing facility or equipment.

(c) New manufacturing machinery and equipment is not considered sold if a pass-through entity transfers to another pass-through entity substantially all of its assets as part of a plan of reorganization under which substantially all gain and loss is not recognized by the pass-through entity that is transferring the new manufacturing machinery and equipment to the transferee and under which the transferee's basis in the new manufacturing machinery and equipment is determined, in whole or in part, by reference to the basis of the pass-through entity that transferred the new manufacturing machinery and equipment to the transferee.

(d) Division (C)(5) of this section applies only if the acquiring taxpayer or transferee does not sell the new manufacturing machinery and equipment or transfer the new manufacturing machinery and equipment out of the county before the end of the seven-year period to which division (C)(4) of this section refers.

(e) Division (C)(5)(b) of this section applies only to the extent that the taxpayer that sold the manufacturing machinery or equipment, upon request, timely provides to the tax commissioner any information that the tax commissioner considers to be

necessary to ascertain any remaining or carried-forward amounts to which the taxpayer that sold the facility would have been entitled under this section had the taxpayer not sold the manufacturing machinery or equipment. Nothing in division (C)(5)(b) or (e) of this section shall be construed to allow a taxpayer to claim any grant amount with respect to the acquired manufacturing machinery or equipment that is greater than the amount that would have been available to the other taxpayer that sold the manufacturing machinery or equipment had the other taxpayer not sold the manufacturing machinery or equipment.

(D) The taxpayer shall claim the grant allowed by this section in the manner provided by section 122.172 of the Revised Code. Any portion of the grant in excess of the taxpayer's tax liability for the taxable year shall not be refundable but may be carried forward for the next three consecutive taxable years.

(E) A taxpayer purchasing new manufacturing machinery and equipment and intending to claim the grant shall file, with the director of development, a notice of intent to claim the grant on a form prescribed by the director of development. The director of development shall inform the tax commissioner of the notice of intent to claim the grant. No grant may be claimed under this section for any manufacturing machinery and equipment with respect to which a notice was not filed by the date of a timely filed return, including extensions, for the taxable year that includes September 30, 2005, but a notice filed on or before such date under division (E) of section 5733.33 of the Revised Code of the intent to claim the credit under that section also shall be considered a notice of the intent to claim a grant under this section.

(F) The director of development shall annually certify, by

the first day of January of each year during the qualifying 546
period, the eligible areas for the tax grant for the calendar year 547
that includes that first day of January. The director shall send a 548
copy of the certification to the tax commissioner. 549

(G) New manufacturing machinery and equipment for which a 550
taxpayer claims the credit under section 5733.31 or 5733.311 of 551
the Revised Code shall not be considered new manufacturing 552
machinery and equipment for purposes of the grant under this 553
section. 554

(H)(1) Notwithstanding sections 5733.11 and 5747.13 of the 555
Revised Code, but subject to division (H)(2) of this section, the 556
tax commissioner may issue an assessment against a person with 557
respect to a grant claimed under this section for new 558
manufacturing machinery and equipment described in division 559
(A)(1)(b) or (2)(b) of this section, if the machinery or equipment 560
subsequently does not qualify for the grant. 561

(2) Division (H)(1) of this section shall not apply after the 562
twenty-fourth month following the last day of the period described 563
in divisions (A)(1)(b) and (2)(b) of this section. 564

(I) Notwithstanding any other provision of this section to 565
the contrary, in the case of a qualifying controlled group, the 566
grant available under this section to a taxpayer or taxpayers in 567
the qualifying controlled group shall be computed as if all 568
corporations in the group were a single corporation. The grant 569
shall be allocated to such a taxpayer or taxpayers in the group in 570
any amount elected for the taxable year by the group. The election 571
shall be revocable and amendable during the period described in 572
division (B) of section 5733.12 of the Revised Code. 573

This division applies to all purchases of new manufacturing 574
machinery and equipment made on or after January 1, 2001, and to 575

all baseline years used to compute any grant attributable to such purchases; provided, that this division may be applied solely at the election of the qualifying controlled group with respect to all purchases of new manufacturing machinery and equipment made before that date, and to all baseline years used to compute any grant attributable to such purchases. The qualifying controlled group at any time may elect to apply this division to purchases made prior to January 1, 2001, subject to the following:

(1) The election is irrevocable;

(2) The election need not accompany a timely filed report, but the election may accompany a subsequently filed but timely application for refund, a subsequently filed but timely amended report, or a subsequently filed but timely petition for reassessment.

(J) Except as provided in division (B) of section 122.172 of the Revised Code, no grant under this section may be claimed for any taxable year for which a credit is allowed under section 5733.33 of the Revised Code. If the tax imposed by section 5733.06 of the Revised Code for which a grant is allowed under this section has been prorated under division (G)(2) of section 5733.01 of the Revised Code, the grant shall be prorated by the same percentage as the tax."

After line 7760, insert:

"Sec. 122.19. As used in sections 122.19 to 122.22 of the Revised Code:

(A) "Distressed area" ~~means either a municipal corporation that has a population of at least fifty thousand or a county, that meets at least two of the following criteria of economic distress:~~

~~(1) Its average rate of unemployment, during the most recent five year period for which data are available, is equal to at least one hundred twenty five per cent of the average rate of unemployment for the United States for the same period.~~

~~(2) It has a per capita income equal to or below eighty per cent of the median county per capita income of the United States as determined by the most recently available figures from the United States census bureau.~~

~~(3)(a) In the case of a municipal corporation, at least twenty per cent of the residents have a total income for the most recent census year that is below the official poverty line.~~

~~(b) In the case of a county, in intercensal years, the county has a ratio of transfer payment income to total county income equal to or greater than twenty five per cent has the same meaning as in section 122.16 of the Revised Code.~~

(B) "~~Eligible~~ Eligible applicant" means any of the following that are designated by the legislative authority of a county, township, or municipal corporation as provided in division (B)(1) of section 122.22 of the Revised Code:

(1) A port authority as defined in division (A) of section 4582.01 or division (A) of section 4582.21 of the Revised Code;

(2) A community improvement corporation as described in section 1724.01 of the Revised Code;

(3) A community-based organization or action group that provides social services and has experience in economic development;

(4) Any other nonprofit economic development entity;

(5) A county, township, or municipal corporation if it

designates itself. 632

(C) "Eligible area" means a distressed area, a labor surplus 633
area, an inner city area, or a situational distress area, as 634
designated annually by the director of development under division 635
(A) of section 122.21 of the Revised Code. 636

(D) "Governing body" means, in the case of a county, the 637
board of county commissioners; in the case of a municipal 638
corporation, the legislative authority; and in the case of a 639
township, the board of township trustees. 640

(E) "Infrastructure improvements" includes site preparation, 641
including building demolition and removal; retention ponds and 642
flood and drainage improvements; streets, roads, bridges, and 643
traffic control devices; parking lots and facilities; water and 644
sewer lines and treatment plants; gas, electric, and 645
telecommunications hook-ups; and waterway and railway access 646
improvements. 647

(F) "Inner city area" means, in a municipal corporation that 648
has a population of at least one hundred thousand and does not 649
meet the criteria of a labor surplus area or a distressed area, 650
targeted investment areas established by the municipal corporation 651
within its boundaries that are comprised of the most recent census 652
block tracts that individually have at least twenty per cent of 653
their population at or below the state poverty level, or other 654
census block tracts contiguous to such census block tracts. 655

(G) "Labor surplus area" means an area designated as a labor 656
surplus area by the United States department of labor. 657

(H) "Official poverty line" has the same meaning as in 658
division (A) of section 3923.51 of the Revised Code. 659

(I) "Redevelopment plan" means a plan that includes all of 660

the following: a plat; a land use description; identification of
all utilities and infrastructure needed to develop the property,
including street connections; highway, rail, air, or water access;
utility connections; water and sewer treatment facilities; storm
drainage; and parking, and any other elements required by a rule
adopted by the director of development under division (B) of
section 122.21 of the Revised Code.

(J) "Situational distress area" means a county or a municipal
corporation that has experienced or is experiencing a closing or
downsizing of a major employer that will adversely affect the
county's or municipal corporation's economy. In order to be
designated as a situational distress area for a period not to
exceed thirty-six months, the county or municipal corporation may
petition the director of development. The petition shall include
documentation that demonstrates all of the following:

(1) The number of jobs lost by the closing or downsizing;

(2) The impact that the job loss has on the county's or
municipal corporation's unemployment rate as measured by the Ohio
department of job and family services;

(3) The annual payroll associated with the job loss;

(4) The amount of state and local taxes associated with the
job loss;

(5) The impact that the closing or downsizing has on the
suppliers located in the county or municipal corporation.

Sec. 122.21. In administering the urban and rural initiative
grant program created under section 122.20 of the Revised Code,
the director of development services shall do all of the
following:

(A) ~~Annually designate, by the first day of January of each~~ 689
~~year~~ Designate, within three months after the publication of each 690
decennial census by the United States census bureau, the entities 691
 that constitute the eligible areas in this state; 692

(B) Adopt rules in accordance with Chapter 119. of the 693
 Revised Code establishing procedures and forms by which eligible 694
 applicants in eligible areas may apply for a grant, which 695
 procedures shall include a requirement that the applicant file a 696
 redevelopment plan; standards and procedures for reviewing 697
 applications and awarding grants; procedures for distributing 698
 grants to recipients; procedures for monitoring the use of grants 699
 by recipients; requirements, procedures, and forms by which 700
 recipients who have received grants shall report their use of that 701
 assistance; and standards and procedures for terminating and 702
 requiring repayment of grants in the event of their improper use. 703
 The rules adopted under this division shall comply with sections 704
 122.19 to 122.22 of the Revised Code and shall include a rule 705
 requiring that an eligible applicant who receives a grant from the 706
 program provide a matching contribution of at least twenty-five 707
 per cent of the amount of the grant awarded to the eligible 708
 applicant. 709

The rules shall require that any eligible applicant for a 710
 grant for land acquisition demonstrate to the director that the 711
 property to be acquired meets all state environmental requirements 712
 and that utilities for that property are available and adequate. 713
 The rules shall require that any eligible applicant for a grant 714
 for property eligible for the voluntary action program created 715
 under Chapter 3746. of the Revised Code receive disbursement of 716
 grant moneys only after receiving a covenant not to sue from the 717
 director of environmental protection under section 3746.12 of the 718
 Revised Code and shall require that those moneys be disbursed only 719

as reimbursement of actual expenses incurred in the undertaking of 720
the voluntary action. The rules shall require that whenever any 721
money is granted for land acquisition, infrastructure 722
improvements, or renovation of existing structures in order to 723
develop an industrial park site for a distressed area, labor 724
surplus area, or situational distress area as defined in section 725
122.19 of the Revised Code that also is a distressed area, labor 726
surplus area, or situational distress area as defined in section 727
122.23 of the Revised Code, a substantial portion of the site be 728
used for manufacturing, distribution, high technology, research 729
and development, or other businesses in which a majority of the 730
product or service produced is exported out of the state. Any 731
retail use at the site shall not constitute a primary use but only 732
a use incidental to other eligible uses. The rules shall require 733
that whenever any money is granted for land acquisition, 734
infrastructure improvements, and renovation of existing structures 735
in order to develop an industrial park site for a distressed area, 736
labor surplus area, or situational distress area as defined in 737
section 122.19 of the Revised Code that also is a distressed area, 738
labor surplus area, or situational distress area as defined in 739
section 122.23 of the Revised Code, the applicant for the grant 740
shall verify to the development services agency the existence of a 741
local economic development planning committee in a municipal 742
corporation, county, or township whose territory includes the 743
eligible area. The committee shall consist of members of the 744
public and private sectors who live in that municipal corporation, 745
county, or township. The local economic development planning 746
committee shall prepare and submit to the agency a five-year 747
economic development plan for that municipal corporation, county, 748
or township that identifies, for the five-year period covered by 749
the plan, the economic development strategies of a municipal 750

corporation, county, or township whose territory includes the 751
 proposed industrial park site. The economic development plan shall 752
 describe in detail how the proposed industrial park would 753
 complement other current or planned economic development programs 754
 for that municipal corporation, county, or township, including, 755
 but not limited to, workforce development initiatives, business 756
 retention and expansion efforts, small business development 757
 programs, and technology modernization programs. 758

(C) Report to the governor, president of the senate, speaker 759
 of the house of representatives, and minority leaders of the 760
 senate and the house of representatives by the first day of August 761
 of each year on the activities carried out under the program 762
 during the preceding calendar year. The report shall include the 763
 total number of grants made that year, and, for each individual 764
 grant awarded, the following: the amount and recipient, the 765
 eligible applicant, the purpose for awarding the grant, the number 766
 of firms or businesses operating at the awarded site, the number 767
 of employees employed by each firm or business, any excess 768
 capacity at an industrial park site, and any additional 769
 information the director declares to be relevant. 770

(D) Inform local governments and others in the state of the 771
 availability of grants under section 122.20 of the Revised Code; 772

(E) Annually compile, pursuant to rules adopted by the 773
 director of development services in accordance with Chapter 119. 774
 of the Revised Code, using pertinent information submitted by any 775
 municipal corporation, county, or township, a list of industrial 776
 parks located in the state. The list shall include the following 777
 information, expressed if possible in terms specified in the 778
 director's rules adopted under this division: location of each 779
 industrial park site, total acreage of each park site, total 780

occupancy of each park site, total capacity for new business at 781
 each park site, total capacity of each park site for sewer, water, 782
 and electricity, a contact person for each park site, and any 783
 additional information the director declares to be relevant. Once 784
 the list is compiled, the director shall make it available to the 785
 governor, president of the senate, speaker of the house of 786
 representatives, and minority leaders of the senate and the house 787
 of representatives." 788

Delete lines 7761 through 7837 and insert: 789

"**Sec. 122.23.** As used in sections 122.23 to 122.27 of the 790
 Revised Code: 791

(A) "Distressed area" means a county with a population of 792
 less than one hundred twenty-five thousand according to the most 793
recent federal decennial census published by the United States 794
census bureau that meets at least two of the following criteria ~~of~~ 795
~~economic distress~~: 796

(1) Its average rate of unemployment, during the most recent 797
 five-year period for which ~~data~~ local area unemployment statistics 798
published by the United States bureau of labor statistics are 799
 available, as of the date the most recent federal decennial census 800
was published, is equal to ~~at least~~ or greater than one hundred 801
 twenty-five per cent of the average rate of unemployment for the 802
 United States for the same period. 803

(2) It has a per capita personal income equal to or ~~below~~ 804
less than eighty per cent of the ~~median county~~ per capita personal 805
 income of the United States as determined by the most recently 806
 available ~~figures~~ data from the United States ~~census~~ department of 807
commerce, bureau of economic analysis as of the date the most 808
recent federal decennial census was published. 809

(3) ~~In intercensal years, the county has a Its ratio of~~ 810
~~personal current transfer payment receipts to total personal~~ 811
~~income to total county income is equal to or greater than~~ 812
~~twenty-five per cent, as determined by the most recently available~~ 813
~~data from the United States department of commerce, bureau of~~ 814
~~economic analysis as of the date the most recent federally~~ 815
~~decennial census was published.~~ 816

If a federal agency ceases to publish the applicable data 817
described in division (A) of this section, the director of 818
development shall designate, on the department of development's 819
web site, an alternative source of the applicable data published 820
by a federal agency or, if no such source is available, another 821
reliable source. 822

(B) "Eligible applicant" means any of the following that is 823
designated by the governing body of an eligible area as provided 824
in division (B)(1) of section 122.27 of the Revised Code: 825

(1) A port authority as defined in division (A) of section 826
4582.01 or division (A) of section 4582.21 of the Revised Code; 827

(2) A community improvement corporation as defined in section 828
1724.01 of the Revised Code; 829

(3) A community-based organization or action group that 830
provides social services and has experience in economic 831
development; 832

(4) Any other nonprofit economic development entity; 833

(5) A private developer that previously has not received 834
financial assistance under section 122.24 of the Revised Code in 835
the current biennium and that has experience and a successful 836
history in industrial development. 837

(C) "Eligible area" means a distressed area, a labor surplus 838

area, a rural area, or a situational distress area, as designated 839
 annually by the director of development pursuant to division (A) 840
 of section 122.25 of the Revised Code. 841

(D) "Labor surplus area" means an area designated as a labor 842
 surplus area by the United States department of labor. 843

(E) "Official poverty line" has the same meaning as in 844
 division (A) of section 3923.51 of the Revised Code. 845

(F) "Situational distress area" means a county that has a 846
 population of less than one hundred twenty-five thousand, or a 847
 municipal corporation in such a county, that has experienced or is 848
 experiencing a closing or downsizing of a major employer that will 849
 adversely affect the county's or municipal corporation's economy. 850
 In order to be designated as a situational distress area for a 851
 period not to exceed thirty-six months, the county or municipal 852
 corporation may petition the director of development. The petition 853
 shall include documentation that demonstrates all of the 854
 following: 855

(1) The number of jobs lost by the closing or downsizing; 856

(2) The impact that the job loss has on the county's or 857
 municipal corporation's unemployment rate as measured by the 858
 director of job and family services; 859

(3) The annual payroll associated with the job loss; 860

(4) The amount of state and local taxes associated with the 861
 job loss; 862

(5) The impact that the closing or downsizing has on the 863
 suppliers located in the rural county or municipal corporation. 864

(G) "Governing body" means, in the case of a county, the 865
 board of county commissioners; in the case of a municipal 866

corporation, the legislative authority; and in the case of a 867
 township, the board of township trustees. 868

(H) "Infrastructure improvements" includes site preparation, 869
 including building demolition and removal; retention ponds and 870
 flood and drainage improvements; streets, roads, bridges, and 871
 traffic control devices; parking lots and facilities; water and 872
 sewer lines and treatment plants; gas, electric, and 873
 telecommunications hook-ups; and waterway and railway access 874
 improvements. 875

(I) "Private developer" means any individual, firm, 876
 corporation, or entity, other than a nonprofit entity, limited 877
 profit entity, or governmental entity. 878

(J) "Rural area" means any Ohio county that was an eligible 879
 area immediately prior to ~~the effective date of this amendment~~ 880
September 30, 2021, and any other Ohio county that is not 881
 designated as part of a metropolitan statistical area by the 882
 United States office of management and budget. 883

Sec. 122.25. (A) In administering the program established 884
 under section 122.24 of the Revised Code, the director of 885
 development services shall do all of the following: 886

(1) ~~Annually designate, by the first day of January of each~~ 887
~~year~~ Designate, within three months after the publication of each 888
decennial census by the United States census bureau, the entities 889
 that constitute the eligible areas in this state as defined in 890
 section 122.23 of the Revised Code; 891

(2) Inform local governments and others in the state of the 892
 availability of the program and financial assistance established 893
 under sections 122.23 to 122.27 of the Revised Code; 894

- (3) Report to the governor, president of the senate, speaker of the house of representatives, and minority leaders of the senate and the house of representatives by the first day of August of each year on the activities carried out under the program during the preceding calendar year. The report shall include the number of loans made that year and the amount and recipient of each loan.
- (4) Work in conjunction with conventional lending institutions, local revolving loan funds, private investors, and other private and public financing sources to provide loans or loan guarantees to eligible applicants;
- (5) Establish fees, charges, interest rates, payment schedules, local match requirements, and other terms and conditions for loans and loan guarantees provided under the program;
- (6) Require each applicant to demonstrate the suitability of any site for the assistance sought; that the site has been surveyed, that the site has adequate or available utilities, and that there are no zoning restrictions, environmental regulations, or other matters impairing the use of the site for the purpose intended;
- (7) Require each applicant to provide a marketing plan and management strategy for the project;
- (8) Adopt rules establishing all of the following:
- (a) Forms and procedures by which eligible applicants may apply for assistance;
- (b) Criteria for reviewing, evaluating, and ranking applications, and for approving applications that best serve the goals of the program;

(c) Reporting requirements and monitoring procedures;	924
(d) Guidelines regarding situations in which industrial parks would be considered to compete against one another for the purposes of division (B)(2) of section 122.27 of the Revised Code;	925 926 927
(e) Any other rules necessary to implement and administer the program.	928 929
(B) The director may adopt rules establishing requirements governing the use of any industrial park site receiving assistance under section 122.24 of the Revised Code, such that a certain portion of the site must be used for manufacturing, distribution, high technology, research and development, or other businesses wherein a majority of the product or service produced is exported out of the state.	930 931 932 933 934 935 936
(C) As a condition of receiving assistance under section 122.24 of the Revised Code, and except as provided in division (D) of this section, an applicant shall agree, for a period of five years, not to permit the use of a site that is developed or improved with such assistance to cause the relocation of jobs to that site from elsewhere in the state.	937 938 939 940 941 942
(D) A site developed or improved with assistance under section 122.24 of the Revised Code may be the site of jobs relocated from elsewhere in the state if the director of development services does all of the following:	943 944 945 946
(1) Makes a written determination that the site from which the jobs would be relocated is inadequate to meet market or industry conditions, expansion plans, consolidation plans, or other business considerations affecting the relocating employer;	947 948 949 950
(2) Provides a copy of the determination required by division (D)(1) of this section to the members of the general assembly	951 952

whose legislative districts include the site from which the jobs
would be relocated;

(3) Determines that the governing body of the area from which
the jobs would be relocated has been notified in writing by the
relocating company of the possible relocation.

(E) The director of development services shall obtain the
approval of the controlling board for any loan or loan guarantee
provided under sections 122.23 to 122.27 of the Revised Code."

In line 108772, after "122.073," insert "122.16,"; after
"122.171," insert "122.173,"; after "122.1710," insert "122.19,
122.21,"

In line 108773, after "122.23," insert "122.25,"

After line 235518, insert:

"Section 701.____. Notwithstanding any contrary provisions of
sections 122.21 and 122.25 of the Revised Code, as amended by this
act, the Director of Development shall, within thirty days after
the effective date of this section, designate the entities that
constitute the eligible areas of this state for the purposes of
the urban and rural initiative grant program created under section
122.20 of the Revised Code and the rural industrial park loan
program under section 122.24 of the Revised Code, based on the
distressed area criteria prescribed by sections 122.16, 122.173,
122.19, and 122.23 of the Revised Code, as amended by this act.
The Director shall publish those designations on the Department of
Development's website. The designations shall apply with respect
to applications submitted under those programs after the date of
such publication and before the Director is next required to
designate eligible areas of the state under sections 122.21 and
122.25 of the Revised Code, as amended by this act."

The motion was _____ agreed to.

SYNOPSIS

Distressed area characteristics for Development programs	982
R.C. 122.16, 122.173, 122.19, 122.21, 122.23, and 122.25;	983
Section 701.____	984
Modifies the criteria used to evaluate whether a county or municipality is a "distressed area" for the purposes of the Urban and Rural Initiative Grant Program administered by the Department of Development.	985 986 987 988
Requires the Director to update the counties and municipalities that qualify as distressed areas under the Program every 10 years, rather than annually.	989 990 991
Makes the same changes to the distressed area characteristics for several obsolete grant and tax credit programs such as the Rural Industrial Park Loan Program, the Industrial Site Improvement Program, a credit for purchasers of new manufacturing machinery or equipment, and a credit for economic development of a distressed area.	992 993 994 995 996 997
Retains the current distressed area criteria for the Brownfield Revitalization Program.	998 999

_____ moved to amend as follows:

1 After line 229652a, insert:

2 "XXXX 761XXX eWarrant Local Integration \$2,500,000 \$2,500,000"

3 In line 229653, add \$2,500,000 to each fiscal year

4 In line 229681, add \$2,500,000 to each fiscal year

5 After line 233875, insert:

6 "(BB) \$5,000,000 cash to the eWarrant Local Integration
7 Fund (Fund XXXX), which is hereby created in the state
8 treasury."

9 The motion was _____ agreed to.

10 SYNOPSIS

11 **Department of Public Safety**

12 **Sections 373.10 and 513.10**

13 Creates Fund XXXX ALI 761XXX, eWarrant Local Integration,
14 with an appropriation of \$2,500,000 in each fiscal year.

15 Requires \$5,000,000 cash of the surplus GRF revenue that
16 existed on June 30, 2023, be transferred to the eWarrant Local
17 Integration Fund (Fund XXXX), which the amendment creates.

_____ moved to amend as follows:

1 In line 229614, delete "\$1,500,000 \$2,000,000" and insert
2 "\$6,520,000 \$6,520,000"

3 In line 229616, add \$5,020,000 to fiscal year 2024 and
4 \$4,520,000 to fiscal year 2025

5 In line 229681, add \$5,020,000 to fiscal year 2024 and
6 \$4,520,000 to fiscal year 2025

7 The motion was _____ agreed to.

8 SYNOPSIS

9 **Department of Public Safety**

10 **Section 373.10**

11 Restores, to the As Passed by the House version, GRF ALI
12 769407, Driver Safety, by \$5,020,000 (from \$1,500,000 to
13 \$6,520,000) in FY 2024 and by \$4,520,000 (from \$2,000,000 to
14 \$6,250,000) in FY 2025.

Sub. H.B. 33
L-135-0001-5
JFSCD58, JFSCD65

_____ moved to amend as follows:

In line 112 of the title, after "4121.443," insert "4141.21,
4141.22," 1
2

In line 113 of the title, after "4141.31," insert "4141.43," 3

In line 226 of the title, after "4112.34," insert "4141.211," 4

In line 708, after "4121.443," insert "4141.21, 4141.22," 5

In line 709, after "4141.31," insert "4141.43," 6

In line 791, after "4112.34," insert "4141.211," 7

After line 61947, insert: 8

"**Sec. 4141.21.** (A) Except as provided in this section and 9
sections 4141.162 and 4141.211 of the Revised Code, and subject to 10
section 4141.43 of the Revised Code, the information maintained by 11
the director of job and family services or the unemployment 12
compensation review commission or furnished to the director or 13
commission by employers or employees pursuant to this chapter is 14
for the exclusive use and information of the department of job and 15
family services and the commission in the discharge of their 16
duties and shall not be ~~open to the public or be used in any court~~ 17
~~in any action or proceeding pending therein, or be admissible in~~ 18

~~evidence in any action, other than one arising under this chapter 19
or section 5733.42 of the Revised Code. All of the information and 20
records necessary or useful in the determination of any particular 21
claim for benefits or necessary in verifying any charge to an 22
employer's account under sections 4141.23 to 4141.26 of the 23
Revised Code shall be available for examination and use by the 24
employer and the employee involved or their authorized 25
representatives in the hearing of such cases, and that information 26
disclosed. Such information is not a public record under section 27
149.43 of the Revised Code. 28~~

(B) Information protected from disclosure under division (A) 29
of this section may be tabulated and published in statistical form 30
for the use and information of the state departments and the 31
public. 32

Sec. 4141.211. (A)(1) As used in this section, and except as 33
provided in divisions (A)(2) and (3) of this section, 34
"unemployment compensation information" means information 35
maintained by the director of job and family services or the 36
unemployment compensation review commission, or furnished to the 37
director or commission by employers or employees pursuant to this 38
chapter, that pertains to the administration of this chapter. 39

(2) "Unemployment compensation information" includes a wage 40
report collected under the income and eligibility verification 41
system established in section 4141.162 of the Revised Code only if 42
it is obtained by the department for determining unemployment 43
compensation monetary eligibility or is downloaded to the 44
department's files as a result of a crossmatch. 45

(3) "Unemployment compensation information" does not include 46
any of the following: 47

(a) Information in the new hires directory maintained by the department of job and family services under section 3121.894 of the Revised Code or in the national directory of new hires, if the information has not been used in the administration of the unemployment compensation program;

(b) Personnel or fiscal information of the department or commission;

(c) Information that is in the public domain.

(B) Unemployment compensation information may be disclosed under the following circumstances if the disclosure is permitted by federal law:

(1) The information is, or regards, appeal records and decisions or precedential determinations on coverage of employers, employment, and wages, provided that any social security numbers and personal health information have been removed.

(2) The information is about an individual or employer and is disclosed to that individual or employer.

(3) The information is about an individual or employer and is disclosed to an agent of the individual or employer, if the agent presents a written release from the individual or employer or another form of permissible consent if the agent demonstrates that a written release is impossible or impracticable to obtain.

(4) The information is disclosed to an elected official performing constituent services who presents reasonable evidence that an individual or employer has authorized a disclosure about that individual or employer.

(5) The information is about an individual or employer and is disclosed to an attorney who is retained for purposes related to unemployment compensation law and asserts that the attorney

represents the individual or employer.

77

(6) The information is about an individual or employer and is disclosed to a third party who is not an agent, but is providing a service or benefit to the individual or employer or is carrying out administration or evaluation of a public program, if the third party obtains a written release from the individual or employer that is signed and does all of the following:

78

79

80

81

82

83

(a) Specifically identifies the information to be disclosed;

84

(b) States which files will be accessed to obtain the information;

85

86

(c) Specifies the purpose for which the information is sought and that the information will only be used for that purpose;

87

88

(d) Indicates all of the parties who may receive the information.

89

90

(7) The information is disclosed to a public official, or an agent or contractor of such an official, for use in the performance of official duties, including research related to the administration of those duties.

91

92

93

94

(8) The information is disclosed to the federal bureau of labor statistics pursuant to a cooperative agreement with the bureau.

95

96

97

(9) The information is disclosed in response to a subpoena or court order, provided the subpoena or order is properly served on the director or the commission, and a court has previously issued a binding precedential decision that requires disclosures of this type or an established pattern of prior court decisions requiring the type of disclosure exists.

98

99

100

101

102

103

(10) The information is disclosed in response to a subpoena

104

by a local, state, or federal government official, other than a 105
clerk of court on behalf of a litigant, with authority to obtain 106
such information by subpoena under law. 107

(11) The information is disclosed to a federal or state 108
official for purposes of unemployment compensation program 109
oversight and audits or to a federal agency that the United States 110
department of labor has determined to have adequate safeguards to 111
satisfy the confidentiality and safeguard requirements of section 112
303 of the "Social Security Act," 42 U.S.C. 503. 113

(12) The disclosure of information is required by law. 114

(C)(1) For purposes of division (B)(7) of this section, 115
"performance of official duties" does not include solicitation of 116
contributions or expenditures to or on behalf of a candidate for 117
public or political office or a political party. 118

(2) For purposes of division (B)(10) of this section, the 119
director may also disclose unemployment compensation information 120
to those officials without the issuance or service of a subpoena. 121

(D) The following information may be disclosed to accredited 122
colleges and universities, accredited educational institutions, 123
nonprofit research organizations, and other organizations 124
conducting research, if the disclosure is for the purpose of 125
assisting in research or for use in providing or improving the 126
provision of government services: 127

(1) Wage information as that term is defined in division (J) 128
of section 4141.43 of the Revised Code; 129

(2) Whether an individual is receiving, has received, or has 130
applied for unemployment compensation; 131

(3) The amount of unemployment compensation an individual is 132
receiving or entitled to receive; 133

(4) An individual's current or most recent home address; 134

(5) Whether an individual has refused an offer of work and, if so, a description of the job offered including the terms, conditions, and rate of pay; 135
136
137

(6) Any other information contained in the records of the director which is needed by the requesting agency to verify eligibility for, and the amount of, benefits; 138
139
140

(7) Employment and training information; 141

(8) Employer information. 142

(E) The director may require recipients of unemployment compensation information to enter into a written agreement to receive the information. 143
144
145

(F) A recipient of unemployment compensation information, other than an individual or employer receiving information about that individual or employer, shall not redisclose the information without approval to do so from the director and shall safeguard the information against unauthorized access or redisclosure. 146
147
148
149
150

(G) Failure to comply with this section may result in civil or criminal penalties, including the penalties set forward in sections 4141.22 and 4141.99 of the Revised Code, as applicable. 151
152
153

Sec. 4141.22. (A) No person shall disclose any information 154
that was maintained by the director of job and family services or 155
the unemployment compensation review commission or that was 156
furnished to the director or the commission by employers or 157
employees pursuant to this chapter, unless such disclosure is 158
permitted under section 4141.21 or 4141.211 of the Revised Code. 159

(B) No person in the employ of the director, a county family 160
services agency, a workforce development agency, or the 161

commission, or who has been in the employ of the director, those
 agencies, or the commission, at any time, shall divulge any
 information maintained by or furnished to the director or the
 commission under this chapter and secured by the person while so
 employed, in respect to the transactions, property, business, or
 mechanical, chemical, or other industrial process of any person,
 firm, corporation, association, or partnership to any person other
 than the director or other employees of the department of job and
 family services or, a county family services agency, workforce
 development agency, or the commission, as required by the person's
 duties, or to other persons as authorized by the director under
 section 4141.43 of the Revised Code.

Whoever violates this section shall be disqualified from
 holding any appointment or employment by the director, a county
 family services agency, a workforce development agency, or the
 commission."

After line 62407, insert:

"Sec. 4141.43. (A) ~~The director of job and family services
 may cooperate with the industrial commission, the bureau of
 workers' compensation, the United States internal revenue service,
 the United States employment service, and other similar
 departments and agencies, as determined by the director, in the
 exchange or disclosure of information as to wages, employment,
 payrolls, unemployment, and other information. The director may
 employ, jointly with one or more of such agencies or departments,
 auditors, examiners, inspectors, and other employees necessary for
 the administration of this chapter and employment and training
 services for workers in the state disclose information as provided
 in this section in accordance with federal law governing such
 disclosure and sections 4141.162, 4141.21, and 4141.211 of the~~

Revised Code. 192

(B) The director may make the state's record relating to the 193
administration of this chapter available to the railroad 194
retirement board and may furnish the board at the board's expense 195
such copies thereof as the board deems necessary for its purposes. 196

(C) The director may afford reasonable cooperation with every 197
agency of the United States charged with the administration of any 198
unemployment compensation law. 199

(D) The director may enter into arrangements with the 200
appropriate agencies of other states or of the United States or 201
Canada whereby individuals performing services in this and other 202
states for a single employer under circumstances not specifically 203
provided for in division (B) of section 4141.01 of the Revised 204
Code or in similar provisions in the unemployment compensation 205
laws of such other states shall be deemed to be engaged in 206
employment performed entirely within this state or within one of 207
such other states or within Canada, and whereby potential rights 208
to benefits accumulated under the unemployment compensation laws 209
of several states or under such a law of the United States, or 210
both, or of Canada may constitute the basis for the payment of 211
benefits through a single appropriate agency under terms that the 212
director finds will be fair and reasonable as to all affected 213
interests and will not result in any substantial loss to the 214
unemployment compensation fund. 215

(E) The director may enter into agreements with the 216
appropriate agencies of other states or of the United States or 217
Canada: 218

(1) Whereby services or wages upon the basis of which an 219
individual may become entitled to benefits under the unemployment 220
compensation law of another state or of the United States or 221

Canada shall be deemed to be employment or wages for employment by 222
employers for the purposes of qualifying claimants for benefits 223
under this chapter, and the director may estimate the number of 224
weeks of employment represented by the wages reported to the 225
director for such claimants by such other agency, provided such 226
other state agency or agency of the United States or Canada has 227
agreed to reimburse the unemployment compensation fund for such 228
portion of benefits paid under this chapter upon the basis of such 229
services or wages as the director finds will be fair and 230
reasonable as to all affected interests; 231

(2) Whereby the director will reimburse other state or 232
federal or Canadian agencies charged with the administration of 233
unemployment compensation laws with such reasonable portion of 234
benefits, paid under the law of such other states or of the United 235
States or of Canada upon the basis of employment or wages for 236
employment by employers, as the director finds will be fair and 237
reasonable as to all affected interests. Reimbursements so payable 238
shall be deemed to be benefits for the purpose of section 4141.09 239
and division (A) of section 4141.30 of the Revised Code. However, 240
no reimbursement so payable shall be charged against any 241
employer's account for the purposes of section 4141.24 of the 242
Revised Code if the employer's account, under the same or similar 243
circumstances, with respect to benefits charged under the 244
provisions of this chapter, other than this section, would not be 245
charged or, if the claimant at the time the claimant files the 246
combined wage claim cannot establish benefit rights under this 247
chapter. This noncharging shall not be applicable to a nonprofit 248
organization that has elected to make payments in lieu of 249
contributions under section 4141.241 of the Revised Code, except 250
as provided in division (D)(2) of section 4141.24 of the Revised 251
Code. The director may make to other state or federal or Canadian 252

agencies and receive from such other state or federal or Canadian agencies reimbursements from or to the unemployment compensation fund, in accordance with arrangements pursuant to this section. 253
254
255

(3) Notwithstanding division (B)(2)(f) of section 4141.01 of the Revised Code, the director may enter into agreements with other states whereby services performed for a crew leader, as defined in division (BB) of section 4141.01 of the Revised Code, may be covered in the state in which the crew leader either: 256
257
258
259
260

(a) Has the crew leader's place of business or from which the crew leader's business is operated or controlled; 261
262

(b) Resides if the crew leader has no place of business in any state. 263
264

(F) The director may apply for an advance to the unemployment compensation fund and do all things necessary or required to obtain such advance and arrange for the repayment of such advance in accordance with Title XII of the "Social Security Act" as amended. 265
266
267
268
269

(G) The director may enter into reciprocal agreements or arrangements with the appropriate agencies of other states in regard to services on vessels engaged in interstate or foreign commerce whereby such services for a single employer, wherever performed, shall be deemed performed within this state or within such other states. 270
271
272
273
274
275

(H) The director shall participate in any arrangements for the payment of compensation on the basis of combining an individual's wages and employment, covered under this chapter, with the individual's wages and employment covered under the unemployment compensation laws of other states which are approved by the United States secretary of labor in consultation with the 276
277
278
279
280
281

state unemployment compensation agencies as reasonably calculated 282
to assure the prompt and full payment of compensation in such 283
situations and which include provisions for: 284

(1) Applying the base period of a single state law to a claim 285
involving the combining of an individual's wages and employment 286
covered under two or more state unemployment compensation laws, 287
and 288

(2) Avoiding the duplicate use of wages and employment by 289
reason of such combining. 290

~~(I)(1)~~ (1) The director shall cooperate with the United States 291
department of labor to the fullest extent consistent with this 292
chapter, and shall take such action, through the adoption of 293
appropriate rules, regulations, and administrative methods and 294
standards, as may be necessary to secure to this state and its 295
citizens all advantages available under the provisions of the 296
"Social Security Act" that relate to unemployment compensation, 297
the "Federal Unemployment Tax Act," (1970) 84 Stat. 713, 26 298
U.S.C.A. 3301 to 3311, the "Wagner-Peyser Act," (1933) 48 Stat. 299
113, 29 U.S.C.A. 49, the "Federal-State Extended Unemployment 300
Compensation Act of 1970," 84 Stat. 596, 26 U.S.C.A. 3306, and the 301
"Workforce Innovation and Opportunity Act," 29 U.S.C.A. 3101 et 302
seq. 303

(2) Nothing in division (I)(1) of this section requires the 304
director to participate in, nor precludes the director from 305
ceasing to participate in, any voluntary, optional, special, or 306
emergency program offered by the federal government, including 307
programs offered under any of the federal acts listed in division 308
(I)(1) of this section, the "Coronavirus Aid, Relief, and Economic 309
Security Act," 15 U.S.C. 9023, or any other federal program 310
enacted to address exceptional unemployment conditions. 311

(J) The director may disclose wage information furnished to
 or maintained by the director under Chapter 4141. of the Revised
 Code to a consumer reporting agency as defined by the "Fair Credit
 Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended, for
 the purpose of verifying an individual's income under a written
 agreement that requires all of the following:

(1) A written statement of informed consent from the
 individual whose information is to be disclosed;

(2) A written statement confirming that the consumer
 reporting agency and any other entity to which the information is
 disclosed or released will safeguard the information from illegal
 or unauthorized disclosure;

(3) A written statement confirming that the consumer
 reporting agency will pay to the ~~bureau~~ department all costs
 associated with the disclosure.

The director shall prescribe a manner and format in which
 this information may be provided.

For purposes of this division, "wage information" means the
 name, social security number, quarterly wages paid to, and weeks
 worked by an employee, and the name, address, and state and
 federal tax identification number of an employer reporting wages
 under section 4141.20 of the Revised Code.

~~(K) The director shall adopt rules defining the requirements
 of the release of individual income verification information
 specified in division (J) of this section, which shall include all
 terms and conditions necessary to meet the requirements of federal
 law as interpreted by the United States department of labor or
 considered necessary by the director for the proper administration
 of this division.~~

(L) The director shall disclose information furnished to or 341
 maintained by the director under this chapter upon request and on 342
 a reimbursable basis as required by section 303 of the "Social 343
 Security Act," 42 U.S.C.A. 503, and section 3304 of the "Internal 344
 Revenue Code," 26 U.S.C.A. 3304." 345

In line 108846, after "4121.443," insert "4141.21, 4141.22," 346

In line 108847, after "4141.31," insert "4141.43," 347

The motion was _____ agreed to.

SYNOPSIS

**Disclosure of information and participation in certain 348
 federal programs - Unemployment Compensation Law 349**

R.C. 4141.21, 4141.211, 4141.22, and 4141.43 350

Restores the House's specification that information 351
 maintained by the Director or the Unemployment Compensation Review 352
 Commission (UCRC) or furnished to the Director or UCRC by 353
 employers and employees under the Unemployment Compensation Law is 354
 not a public record under the Ohio Public Records Act (under 355
 continuing law, this information is for the exclusive use and 356
 information of the Department of Job and Family Services and the 357
 UCRC and may not be disclosed unless an exception applies). 358

Allows the Director to disclose otherwise confidential 359
 information maintained by the Director or UCRC if permitted by 360
 federal law under specified circumstances, rather than adopt rules 361
 allowing for specified disclosures as under the House version 362
 (this replaces current law allowing the Director to cooperate with 363
 departments and agencies in the exchange or disclosure of 364

information as to wages, employment, payrolls, unemployment, and
other information). 365
366

Restores the House's elimination of the prohibition on 367
information maintained by the Director or the UCRC from being used 368
in any court or used as evidence in any action, other than one 369
arising under the Unemployment Compensation Law. 370

Allows the Director to require recipients of unemployment 371
compensation information under the amendment to enter into a 372
written agreement to receive the information. 373

Prohibits a recipient of unemployment compensation 374
information, other than an individual or employer receiving 375
information about that individual or employer, from re-disclosing 376
the information without approval to do so from the Director and 377
requires that recipient to safeguard the information against 378
unauthorized access or redisclosure. 379

Specifies that failure to comply with the amendment's 380
disclosure provisions may result in civil or criminal penalties. 381

Restores the House's elimination of the Director's ability to 382
employ, jointly with one or more agencies or departments, 383
auditors, examiners, inspectors, and other employees necessary for 384
the administration of the Unemployment Compensation Law and 385
employment and training services. 386

Restores the House's provisions specifying that a current law 387
provision requiring the Director to take action as necessary to 388
secure all advantages available under certain federal laws does 389
not require the Director to participate in, nor precludes the 390
Director from ceasing to participate in, any voluntary, optional, 391
special, or emergency program offered by the federal government 392
under specified existing federal laws or any other federal program 393

enacted to address exceptional unemployment conditions.

394

_____ moved to amend as follows:

1 In line 30130, delete "the effective date of this
2 amendment" and insert "January 1, 2024"

3 In line 60623, delete "the effective date of"

4 In line 60624, delete "this amendment" and insert "January
5 1, 2024"

6 In line 60689, delete "the effective date of"

7 In line 60690, delete "this amendment" and insert "January
8 1, 2024"

9 The motion was _____ agreed to.

10 SYNOPSIS

11 **Limiting age for dental and vision coverage**

12 **R.C. 1751.14, 3923.24, and 3923.241**

13 Postpones until January 1, 2024, the effective date of the
14 Senate provision raising the limiting age for dependents for
15 vision and dental insurance to 26 years of age.

Sub. H.B. 33
L-135-0001-5
OBM025, GOVCD3

_____ moved to amend as follows:

In line 399 of the title, after the semicolon insert "to
 amend sections 127.15, 173.03, 753.19, 1121.38, 1509.06, 1513.071,
 1513.08, 1513.16, 1565.12, 1571.05, 1571.08, 1571.10, 1571.14,
 1571.15, 1571.16, 1707.02, 1707.04, 1707.042, 1707.091, 1707.11,
 1707.43, 1733.16, 2941.401, 3111.23, 3301.05, 3302.04, 3310.521,
 3313.41, 3313.818, 3314.21, 3319.081, 3319.11, 3319.16, 3319.291,
 3319.311, 3321.13, 3321.21, 3704.03, 3734.02, 3734.021, 3734.575,
 3746.09, 3752.11, 3772.031, 3772.04, 3772.11, 3772.12, 3772.13,
 3772.131, 3781.08, 3781.11, 3781.25, 3781.29, 3781.342, 3904.08,
 4121.19, 4123.512, 4123.52, 4125.03, 4141.09, 4141.47, 4167.10,
 4301.17, 4301.30, 4303.24, 4507.081, 4508.021, 4509.101, 4510.41,
 4735.13, 4735.14, 5107.161, 5120.14, 5165.193, 5165.86, 5166.303,
 5168.08, 5168.22, 5168.23, 5525.01, 5709.83, 5736.041, and
 5751.40; to enact sections 1509.031 and 3745.019; to repeal
 section 5123.195 of the Revised Code and to amend the versions of
 sections 3772.13 and 3772.131 of the Revised Code that are
 scheduled to take effect December 29, 2023, to continue the
 changes on and after that effective date;"

After line 145723, insert: 19

"**Section 130.30.** That sections 127.15, 173.03, 753.19, 20

1121.38, 1509.06, 1513.071, 1513.08, 1513.16, 1565.12, 1571.05, 21
 1571.08, 1571.10, 1571.14, 1571.15, 1571.16, 1707.02, 1707.04, 22
 1707.042, 1707.091, 1707.11, 1707.43, 1733.16, 2941.401, 3111.23, 23
 3301.05, 3302.04, 3310.521, 3313.41, 3313.818, 3314.21, 3319.081, 24
 3319.11, 3319.16, 3319.291, 3319.311, 3321.13, 3321.21, 3704.03, 25
 3734.02, 3734.021, 3734.575, 3746.09, 3752.11, 3772.031, 3772.04, 26
 3772.11, 3772.12, 3772.13, 3772.131, 3781.08, 3781.11, 3781.25, 27
 3781.29, 3781.342, 3904.08, 4121.19, 4123.512, 4123.52, 4125.03, 28
 4141.09, 4141.47, 4167.10, 4301.17, 4301.30, 4303.24, 4507.081, 29
 4508.021, 4509.101, 4510.41, 4735.13, 4735.14, 5107.161, 5120.14, 30
 5165.193, 5165.86, 5166.303, 5168.08, 5168.22, 5168.23, 5525.01, 31
 5709.83, 5736.041, and 5751.40 be amended and sections 1509.031 32
 and 3745.019 of the Revised Code be enacted to read as follows: 33

Sec. 127.15. The controlling board may authorize any state 34
 agency for which an appropriation is made, in any act making 35
 appropriations for capital improvements, to expend the moneys 36
 appropriated otherwise than in accordance with the items set 37
 forth, and for such purpose may authorize transfers among items or 38
 create new items and authorize transfers thereto, provided that 39
 prior to such transfers the agency seeking the same shall notify 40
 by mail or electronic mail the elected representatives to the 41
 general assembly from the counties affected by such transfers, 42
 stating the time and place of the hearing on the proposed 43
 transfers thereto. Such transfers among items shall not alter in 44
 total the appropriation to any state agency except as otherwise 45
 provided by the general assembly. The board may not authorize the 46
 transfer of a capital appropriation item of any state agency for 47
 use by such agency for operating expenses, except as otherwise 48
 provided by the general assembly. 49

Sec. 173.03. (A) There is hereby created the Ohio advisory 50
 council for the aging, which shall consist of twelve members to be 51
 appointed by the governor with the advice and consent of the 52
 senate. Two ex officio members of the council shall be members of 53
 the house of representatives appointed by the speaker of the house 54
 of representatives and shall be members of two different political 55
 parties. Two ex officio members of the council shall be members of 56
 the senate appointed by the president of the senate and shall be 57
 members of two different political parties. The medicaid director 58
 and directors of mental health and addiction services, 59
 developmental disabilities, health, and job and family services, 60
 or their designees, shall serve as ex officio members of the 61
 council. The council shall carry out its role as defined under the 62
 "Older Americans Act of 1965," 79 Stat. 219, 42 U.S.C. 3001, as 63
 amended. 64

At the first meeting of the council, and annually thereafter, 65
 the members shall select one of their members to serve as 66
 chairperson and one of their members to serve as vice-chairperson. 67
The council may form a quorum and take votes at meetings conducted 68
by interactive electronic medium if provisions are made for public 69
attendance through the interactive electronic meeting. 70

(B) Members of the council shall be appointed for a term of 71
 three years, except that for the first appointment members of the 72
 Ohio commission on aging who were serving on the commission 73
 immediately prior to July 26, 1984, shall become members of the 74
 council for the remainder of their unexpired terms. Thereafter, 75
 appointment to the council shall be for a three-year term by the 76
 governor. Each member shall hold office from the date of 77
 appointment until the end of the term for which the member was 78
 appointed. Any member appointed to fill a vacancy occurring prior 79

to the expiration of the term for which the member's predecessor 80
 was appointed shall hold office for the remainder of the term. No 81
 member shall continue in office subsequent to the expiration date 82
 of the member's term unless reappointed under the provisions of 83
 this section, and no member shall serve more than three 84
 consecutive terms on the council. 85

(C) Membership of the council shall represent all areas of 86
 Ohio and shall be as follows: 87

(1) A majority of members of the council shall have attained 88
 the age of fifty and have a knowledge of and continuing interest 89
 in the affairs and welfare of the older citizens of Ohio. The 90
 fields of business, labor, health, law, and human services shall 91
 be represented in the membership. 92

(2) No more than seven members shall be of the same political 93
 party. 94

(D) Any member of the council may be removed from office by 95
 the governor for neglect of duty, misconduct, or malfeasance in 96
 office after being informed in writing of the charges and afforded 97
 an opportunity for a hearing. Two consecutive unexcused absences 98
 from regularly scheduled meetings constitute neglect of duty. 99

(E) The director of aging may reimburse a member for actual 100
 and necessary traveling and other expenses incurred in the 101
 discharge of official duties. But reimbursement shall be made in 102
 the manner and at rates that do not exceed those prescribed by the 103
 director of budget and management for any officer, member, or 104
 employee of, or consultant to, any state agency. 105

(F) Council members are not limited as to the number of terms 106
 they may serve. 107

(G)(1) The department of aging may award grants to or enter 108

into contracts with a member of the advisory council or an entity 109
that the member represents if any of the following apply: 110

(a) The department determines that the member or the entity 111
the member represents is capable of providing the goods or 112
services specified under the terms of the grant or contract. 113

(b) The member has not taken part in any discussion or vote 114
of the council related to whether the council should recommend 115
that the department of aging award the grant to or enter into the 116
contract with the member of the advisory council or the entity 117
that the member represents. 118

(2) A member of the advisory council is not in violation of 119
Chapter 102. or section 2921.42 of the Revised Code with regard to 120
receiving a grant or entering into a contract under this section 121
if the conditions of division (G)(1)(a) and (b) of this section 122
have been met. 123

Sec. 753.19. (A) If a person who was convicted of or pleaded 124
guilty to an offense or was indicted or otherwise charged with the 125
commission of an offense escapes from a jail or workhouse of a 126
municipal corporation or otherwise escapes from the custody of a 127
municipal corporation, the chief of police or other chief law 128
enforcement officer of that municipal corporation immediately 129
after the escape shall report the escape, by telephone and in 130
writing, to all local law enforcement agencies with jurisdiction 131
over the place where the person escaped from custody, to the state 132
highway patrol, to the department of rehabilitation and correction 133
if the escaped person is a prisoner under the custody of the 134
department who is in the jail or workhouse, to the prosecuting 135
attorney of the county, and to a newspaper of general circulation 136
in the municipal corporation in a newspaper of general circulation 137

in each county in which part of the municipal corporation is 138
located. The written notice may be by either facsimile 139
transmission, electronic mail, or mail. A failure to comply with 140
this requirement is a violation of section 2921.22 of the Revised 141
Code. 142

(B) Upon the apprehension of the escaped person, the chief 143
law enforcement officer shall give notice of the apprehension of 144
the escaped person by telephone and in writing to the persons 145
notified under division (A) of this section. 146

Sec. 1121.38. (A)(1) An administrative hearing provided for 147
in section 1121.32, 1121.33, 1121.35, or 1121.41 of the Revised 148
Code shall be held in the county in which the principal place of 149
business of the bank or trust company or residence of the 150
regulated person is located, unless the bank, trust company, or 151
regulated person requesting the hearing consents to another place. 152
Within ninety days after the hearing, the superintendent of 153
financial institutions shall render a decision, which shall 154
include findings of fact upon which the decision is predicated, 155
and shall issue and serve on the bank, trust company, or regulated 156
person the decision and an order consistent with the decision. 157
Judicial review of the order is exclusively as provided in 158
division (B) of this section. Unless a notice of appeal is filed 159
in a court of common pleas within thirty days after service of the 160
superintendent's order as provided in division (B) of this 161
section, and until the record of the administrative hearing has 162
been filed, the superintendent may, at anytime, upon the notice 163
and in the manner the superintendent considers proper, modify, 164
terminate, or set aside the superintendent's order. After filing 165
the record, the superintendent may modify, terminate, or set aside 166
the superintendent's order with permission of the court. 167

(a) A hearing provided for in section 1121.32, 1121.35, or 1121.41 of the Revised Code shall be confidential, unless the superintendent determines that holding an open hearing would be in the public interest. Within twenty days after service of the notice of a hearing, a respondent may file a written request for a public hearing with the superintendent. A respondent's failure to file such a request constitutes a waiver of any objections to a confidential hearing.

(b) A hearing provided for in section 1121.33 of the Revised Code shall be an open hearing. Within twenty days after service of the notice of a hearing, a respondent may file a written request for a confidential hearing with the superintendent. If such a request is received by the superintendent, the hearing shall be confidential unless the superintendent determines that holding an open hearing would be in the public interest.

(2) In the course of, or in connection with, an administrative hearing governed by this section, the superintendent, or a person designated by the superintendent to conduct the hearing, may administer oaths and affirmations, take or cause depositions to be taken, and issue, revoke, quash, or modify subpoenas and subpoenas duces tecum. At any administrative hearing required by section 1121.32, 1121.33, 1121.35, or 1121.41 of the Revised Code, the record of which may be the basis of an appeal to court, a stenographic record of the testimony and other evidence submitted shall be taken at the expense of the division of financial institutions. The record shall include all of the testimony and other evidence, and any rulings on the admissibility thereof, presented at the hearing. The superintendent may adopt rules regarding these hearings. The attendance of witnesses and the production of documents provided for in this section may be required from any place within or outside the state. A party to a

hearing governed by this section may apply to the court of common
 pleas of Franklin county, or the court of common pleas of the
 county in which the hearing is being conducted or the witness
 resides or carries on business, for enforcement of a subpoena or
 subpoena duces tecum issued pursuant to this section, and the
 courts have jurisdiction and power to order and require compliance
 with the subpoena. Witnesses subpoenaed under this section shall
 be paid the fees and mileage provided for under section 119.094 of
 the Revised Code.

As used in this division, "stenographic record" means a
 record provided by stenographic means or by the use of audio
 electronic recording devices, as the division of financial
 institutions determines.

(B)(1) A bank, trust company, or regulated person against
 whom the superintendent issues an order upon the record of a
 hearing under the authority of section 1121.32, 1121.33, 1121.35,
 or 1121.41 of the Revised Code may obtain a review of the order by
 filing a notice of appeal in the court of common pleas in the
 county in which the principal place of business of the bank, trust
 company, or regulated person, or residence of the regulated
 person, is located, or in the court of common pleas of Franklin
 county, within thirty days after the date of service of the
 superintendent's order. The clerk of the court shall promptly
 transmit a copy of the notice of appeal to the superintendent.
 Within thirty days after receiving the notice of appeal, the
 superintendent shall file a certified copy of the record of the
 administrative hearing with the clerk of the court. In the event
 of a private hearing, the record of the administrative hearing
 shall be filed under seal with the clerk of the court. Upon the
 filing of the notice of appeal, the court has jurisdiction, which
 upon the filing of the record of the administrative hearing is

exclusive, to affirm, modify, terminate, or set aside, in whole or 230
in part, the superintendent's order. 231

(2) The commencement of proceedings for judicial review 232
pursuant to division (B) of this section does not, unless 233
specifically ordered by the court, operate as a stay of any order 234
issued by the superintendent. If it appears to the court an 235
unusual hardship to the appellant bank, trust company, or 236
regulated person will result from the execution of the 237
superintendent's order pending determination of the appeal, and 238
the interests of depositors and the public will not be threatened 239
by a stay of the order, the court may grant a stay and fix its 240
terms. 241

(C) The superintendent may, in the sole discretion of the 242
superintendent, apply to the court of common pleas of the county 243
in which the principal place of business of the bank, trust 244
company, or regulated person, or residence of the regulated 245
person, is located, or the court of common pleas of Franklin 246
county, for the enforcement of an effective and outstanding 247
superintendent's order issued under section 1121.32, 1121.33, 248
1121.34, 1121.35, or 1121.41 of the Revised Code, and the court 249
has jurisdiction and power to order and require compliance with 250
the superintendent's order. In an action by the superintendent 251
pursuant to this division to enforce an order assessing a civil 252
penalty issued under section 1121.35 of the Revised Code, the 253
validity and appropriateness of the civil penalty is not subject 254
to review. 255

(D) No court has jurisdiction to affect, by injunction or 256
otherwise, the issuance or enforcement of an order issued under 257
section 1121.32, 1121.33, 1121.34, 1121.35, or 1121.41 of the 258
Revised Code or to review, modify, suspend, terminate, or set 259

aside an order issued under section 1121.32, 1121.33, 1121.34, 1121.35, or 1121.41 of the Revised Code, except as provided in this section, in division (G) of section 1121.32 of the Revised Code for an order issued pursuant to division (C)(3) or (4) of section 1121.32 of the Revised Code, or in division (A)(3) of section 1121.34 of the Revised Code for an order issued pursuant to division (A)(1) of section 1121.34 of the Revised Code.

(E) Nothing in this section or in any other section of the Revised Code or rules implementing this or any other section of the Revised Code shall prohibit or limit the superintendent from doing any of the following:

(1) Issuing orders pursuant to section 1121.32, 1121.33, 1121.34, 1121.35, or 1121.41 of the Revised Code;

(2) Individually or contemporaneously taking any other action provided by law or rule with respect to a bank, trust company, or regulated person;

(3) Taking any action provided by law or rule with respect to a bank, trust company, or regulated person, whether alone or in conjunction with another regulatory agency or authority.

Sec. 1509.031. (A) Notwithstanding any other provision of law to the contrary and other than a statement of production, the chief of the division of oil and gas resources management may require the electronic submission of any application, report, test result, fee, or document that is required to be submitted under this chapter. The chief shall require the submission of statements of production to be made electronically regardless of well type and the number of wells owned.

(B) For good cause, a person may request to be excluded from any requirement to make an electronic submission under division

(A) of this section other than the requirement to submit a 289
statement of production electronically. The chief shall establish 290
the procedure and form by which a person may request such 291
exclusion. 292

Sec. 1509.06. (A) An application for a permit to drill a new 293
 well, drill an existing well deeper, reopen a well, convert a well 294
 to any use other than its original purpose, or plug back a well to 295
 a different source of supply, including associated production 296
 operations, shall be filed with the chief of the division of oil 297
 and gas resources management upon such form as the chief 298
 prescribes and shall contain each of the following that is 299
 applicable: 300

(1) The name and address of the owner and, if a corporation, 301
 the name and address of the statutory agent; 302

(2) The signature of the owner or the owner's authorized 303
 agent. When an authorized agent signs an application, it shall be 304
 accompanied by a certified copy of the appointment as such agent. 305

(3) The names and addresses of all persons holding the 306
 royalty interest in the tract upon which the well is located or is 307
 to be drilled or within a proposed drilling unit; 308

(4) The location of the tract or drilling unit on which the 309
 well is located or is to be drilled identified by section or lot 310
 number, city, village, township, and county; 311

(5) Designation of the well by name and number; 312

(6)(a) The geological formation to be tested or used and the 313
 proposed total depth of the well; 314

(b) If the well is for the injection of a liquid, identity of 315
 the geological formation to be used as the injection zone and the 316

composition of the liquid to be injected. 317

(7) The type of drilling equipment to be used; 318

(8)(a) An identification, to the best of the owner's 319
knowledge, of each proposed source of ground water and surface 320
water that will be used in the production operations of the well. 321
The identification of each proposed source of water shall indicate 322
if the water will be withdrawn from the Lake Erie watershed or the 323
Ohio river watershed. In addition, the owner shall provide, to the 324
best of the owner's knowledge, the proposed estimated rate and 325
volume of the water withdrawal for the production operations. If 326
recycled water will be used in the production operations, the 327
owner shall provide the estimated volume of recycled water to be 328
used. The owner shall submit to the chief an update of any of the 329
information that is required by division (A)(8)(a) of this section 330
if any of that information changes before the chief issues a 331
permit for the application. 332

(b) Except as provided in division (A)(8)(c) of this section, 333
for an application for a permit to drill a new well within an 334
urbanized area, the results of sampling of water wells within 335
three hundred feet of the proposed well prior to commencement of 336
drilling. In addition, the owner shall include a list that 337
identifies the location of each water well where the owner of the 338
property on which the water well is located denied the owner 339
access to sample the water well. The sampling shall be conducted 340
in accordance with the guidelines established in "Best Management 341
Practices For Pre-drilling Water Sampling" in effect at the time 342
that the application is submitted. The division shall furnish 343
those guidelines upon request and shall make them available on the 344
division's web site. If the chief determines that conditions at 345
the proposed well site warrant a revision, the chief may revise 346

the distance established in this division for purposes of
pre-drilling water sampling.

347
348

(c) For an application for a permit to drill a new horizontal well, the results of sampling of water wells within one thousand five hundred feet of the proposed horizontal wellhead prior to commencement of drilling. In addition, the owner shall include a list that identifies the location of each water well where the owner of the property on which the water well is located denied the owner access to sample the water well. The sampling shall be conducted in accordance with the guidelines established in "Best Management Practices For Pre-drilling Water Sampling" in effect at the time that the application is submitted. The division shall furnish those guidelines upon request and shall make them available on the division's web site. If the chief determines that conditions at the proposed well site warrant a revision, the chief may revise the distance established in this division for purposes of pre-drilling water sampling.

349
350
351
352
353
354
355
356
357
358
359
360
361
362
363

(9) For an application for a permit to drill a new well within an urbanized area, a sworn statement that the applicant has provided notice by regular mail of the application to the owner of each parcel of real property that is located within five hundred feet of the surface location of the well and to the executive authority of the municipal corporation or the board of township trustees of the township, as applicable, in which the well is to be located. In addition, the notice shall contain a statement that informs an owner of real property who is required to receive the notice under division (A)(9) of this section that within five days of receipt of the notice, the owner is required to provide notice under section 1509.60 of the Revised Code to each residence in an occupied dwelling that is located on the owner's parcel of real property. The notice shall contain a statement that an application

364
365
366
367
368
369
370
371
372
373
374
375
376
377

has been filed with the division of oil and gas resources 378
management, identify the name of the applicant and the proposed 379
well location, include the name and address of the division, and 380
contain a statement that comments regarding the application may be 381
sent to the division. The notice may be provided by hand delivery 382
or regular mail. The identity of the owners of parcels of real 383
property shall be determined using the tax records of the 384
municipal corporation or county in which a parcel of real property 385
is located as of the date of the notice. 386

(10) A plan for restoration of the land surface disturbed by 387
drilling operations. The plan shall provide for compliance with 388
the restoration requirements of division (A) of section 1509.072 389
of the Revised Code and any rules adopted by the chief pertaining 390
to that restoration. 391

(11)(a) A description by name or number of the county, 392
township, and municipal corporation roads, streets, and highways 393
that the applicant anticipates will be used for access to and 394
egress from the well site; 395

(b) For an application for a permit for a horizontal well, a 396
copy of an agreement concerning maintenance and safe use of the 397
roads, streets, and highways described in division (A)(11)(a) of 398
this section entered into on reasonable terms with the public 399
official that has the legal authority to enter into such 400
maintenance and use agreements for each county, township, and 401
municipal corporation, as applicable, in which any such road, 402
street, or highway is located or an affidavit on a form prescribed 403
by the chief attesting that the owner attempted in good faith to 404
enter into an agreement under division (A)(11)(b) of this section 405
with the applicable public official of each such county, township, 406
or municipal corporation, but that no agreement was executed. 407

(12) Such other relevant information as the chief prescribes 408
by rule. 409

Each application shall be accompanied by a map, on a scale 410
not smaller than four hundred feet to the inch, prepared by an 411
Ohio registered surveyor, showing the location of the well and 412
containing such other data as may be prescribed by the chief. If 413
the well is or is to be located within the excavations and 414
workings of a mine, the map also shall include the location of the 415
mine, the name of the mine, and the name of the person operating 416
the mine. 417

(B) The chief shall cause a copy of the weekly circular 418
prepared by the division to be provided to the county engineer of 419
each county that contains active or proposed drilling activity. 420
The weekly circular shall contain, in the manner prescribed by the 421
chief, the names of all applicants for permits, the location of 422
each well or proposed well, the information required by division 423
(A)(11) of this section, and any additional information the chief 424
prescribes. In addition, the chief promptly shall transfer an 425
electronic copy ~~or facsimile~~, or if ~~those methods are~~ that method 426
is not available to a municipal corporation or township, a copy 427
via regular mail, of a drilling permit application to the clerk of 428
the legislative authority of the municipal corporation or to the 429
clerk of the township in which the well or proposed well is or is 430
to be located if the legislative authority of the municipal 431
corporation or the board of township trustees has asked to receive 432
copies of such applications and the appropriate clerk has provided 433
the chief an accurate, current electronic mailing address ~~or~~ 434
~~facsimile number, as applicable.~~ 435

(C)(1) Except as provided in division (C)(2) of this section, 436
the chief shall not issue a permit for at least ten days after the 437

date of filing of the application for the permit unless, upon
reasonable cause shown, the chief waives that period or a request
for expedited review is filed under this section. However, the
chief shall issue a permit within twenty-one days of the filing of
the application unless the chief denies the application by order.

438
439
440
441
442

(2) If the location of a well or proposed well will be or is
within an urbanized area, the chief shall not issue a permit for
at least eighteen days after the date of filing of the application
for the permit unless, upon reasonable cause shown, the chief
waives that period or the chief at the chief's discretion grants a
request for an expedited review. However, the chief shall issue a
permit for a well or proposed well within an urbanized area within
thirty days of the filing of the application unless the chief
denies the application by order.

443
444
445
446
447
448
449
450
451

(D) An applicant may file a request with the chief for
expedited review of a permit application if the well is not or is
not to be located in a gas storage reservoir or reservoir
protective area, as "reservoir protective area" is defined in
section 1571.01 of the Revised Code. If the well is or is to be
located in a coal bearing township, the application shall be
accompanied by the affidavit of the landowner prescribed in
section 1509.08 of the Revised Code.

452
453
454
455
456
457
458
459

In addition to a complete application for a permit that meets
the requirements of this section and the permit fee prescribed by
this section, a request for expedited review shall be accompanied
by a separate nonrefundable filing fee of two hundred fifty
dollars. Upon the filing of a request for expedited review, the
chief shall cause the county engineer of the county in which the
well is or is to be located to be notified of the filing of the
permit application and the request for expedited review by

460
461
462
463
464
465
466
467

telephone or other means that in the judgment of the chief will
provide timely notice of the application and request. The chief
shall issue a permit within seven days of the filing of the
request unless the chief denies the application by order.
Notwithstanding the provisions of this section governing expedited
review of permit applications, the chief may refuse to accept
requests for expedited review if, in the chief's judgment, the
acceptance of the requests would prevent the issuance, within
twenty-one days of their filing, of permits for which applications
are pending.

(E) A well shall be drilled and operated in accordance with
the plans, sworn statements, and other information submitted in
the approved application.

(F) The chief shall issue an order denying a permit if the
chief finds that there is a substantial risk that the operation
will result in violations of this chapter or rules adopted under
it that will present an imminent danger to public health or safety
or damage to the environment, provided that where the chief finds
that terms or conditions to the permit can reasonably be expected
to prevent such violations, the chief shall issue the permit
subject to those terms or conditions, including, if applicable,
terms and conditions regarding subjects identified in rules
adopted under section 1509.03 of the Revised Code. The issuance of
a permit shall not be considered an order of the chief.

The chief shall post notice of each permit that has been
approved under this section on the division's web site not later
than two business days after the application for a permit has been
approved.

(G) Each application for a permit required by section 1509.05
of the Revised Code, except an application for a well drilled or

reopened for purposes of section 1509.22 of the Revised Code, also 498
shall be accompanied by a nonrefundable fee as follows: 499

(1) Five hundred dollars for a permit to conduct activities 500
in a township with a population of fewer than ten thousand; 501

(2) Seven hundred fifty dollars for a permit to conduct 502
activities in a township with a population of ten thousand or 503
more, but fewer than fifteen thousand; 504

(3) One thousand dollars for a permit to conduct activities 505
in either of the following: 506

(a) A township with a population of fifteen thousand or more; 507

(b) A municipal corporation regardless of population. 508

(4) If the application is for a permit that requires 509
mandatory pooling, an additional five thousand dollars. 510

For purposes of calculating fee amounts, populations shall be 511
determined using the most recent federal decennial census. 512

Each application for the revision or reissuance of a permit 513
shall be accompanied by a nonrefundable fee of two hundred fifty 514
dollars. 515

(H)(1) Prior to the commencement of well pad construction and 516
prior to the issuance of a permit to drill a proposed horizontal 517
well or a proposed well that is to be located in an urbanized 518
area, the division shall conduct a site review to identify and 519
evaluate any site-specific terms and conditions that may be 520
attached to the permit. At the site review, a representative of 521
the division shall consider fencing, screening, and landscaping 522
requirements, if any, for similar structures in the community in 523
which the well is proposed to be located. The terms and conditions 524
that are attached to the permit shall include the establishment of 525

fencing, screening, and landscaping requirements for the surface facilities of the proposed well, including a tank battery of the well. 526
527
528

(2) Prior to the issuance of a permit to drill a proposed well, the division shall conduct a review to identify and evaluate any site-specific terms and conditions that may be attached to the permit if the proposed well will be located in a one-hundred-year floodplain or within the five-year time of travel associated with a public drinking water supply. 529
530
531
532
533
534

(I) A permit shall be issued by the chief in accordance with this chapter. A permit issued under this section for a well that is or is to be located in an urbanized area shall be valid for twelve months, and all other permits issued under this section shall be valid for twenty-four months. 535
536
537
538
539

(J) An applicant or a permittee, as applicable, shall submit to the chief an update of the information that is required under division (A)(8)(a) of this section if any of that information changes prior to commencement of production operations. 540
541
542
543

(K) A permittee or a permittee's authorized representative shall notify an inspector from the division at least twenty-four hours, or another time period agreed to by the chief's authorized representative, prior to the commencement of well pad construction and of drilling, reopening, converting, well stimulation, or plugback operations. 544
545
546
547
548
549

Sec. 1513.071. (A) Simultaneously with the filing of an application for a permit or significant revision of an existing permit under section 1513.07 of the Revised Code, the applicant shall submit to the chief of the division of mineral resources management a copy of the applicant's advertisement of the 550
551
552
553
554

ownership, precise location, and boundaries of the land to be 555
affected. At the time of submission, the advertisement shall be 556
placed by the applicant in a newspaper of general circulation in 557
the locality of the proposed coal mine at least once a week for 558
four consecutive weeks. The chief shall notify, in each county or 559
part of a county in which a proposed area to be permitted is 560
located, the board of county commissioners, the board of township 561
trustees, the legislative authorities of municipal corporations, 562
private water companies, regional councils of governments, and the 563
boards of directors of conservancy districts informing them of the 564
operator's intention to conduct a coal mining operation on a 565
particularly described tract of land and indicating the permit 566
application number and where a copy of the proposed mining and 567
reclamation plan may be inspected. The chief shall also notify the 568
planning commissions with jurisdiction over all or part of the 569
area to be permitted. These agencies, authorities, or companies 570
may submit written comments on the application with respect to the 571
effects of the proposed operation on the environment that are 572
within their area of responsibility in quadruplicate to the chief 573
within thirty days after notification by the chief of receipt of 574
the application. The chief shall immediately transmit these 575
comments to the applicant and make them available to the public at 576
the same locations at which the mining application is available 577
for inspection. 578

(B) A person having an interest that is or may be adversely 579
affected or the officer or head of any federal, state, or local 580
governmental agency or authority may file written objections to 581
the proposed initial or revised application for a coal mining and 582
reclamation permit with the chief within thirty days after the 583
last publication of the notice required by division (A) of this 584
section. The objections shall immediately be transmitted to the 585

applicant by the chief and shall be made available to the public. 586
If written objections are filed and an informal conference 587
requested, the chief or the chief's representative shall then hold 588
an informal conference on the application for a permit within a 589
reasonable time in the county where the largest area of the area 590
to be permitted is located. The date, time, and location of the 591
informal conference shall be advertised by the chief in a 592
newspaper of general circulation in the locality at least two 593
weeks prior to the scheduled conference date. The chief may 594
arrange with the applicant, upon request by any objecting party, 595
access to the proposed mining area for the purpose of gathering 596
information relevant to the proceeding. An electronic ~~or~~ 597
~~stenographic~~ record shall be made of the conference proceeding 598
unless waived by all parties. The record shall be maintained and 599
shall be accessible to the parties until final release of the 600
applicant's performance security. If all parties requesting the 601
informal conference stipulate agreement prior to the requested 602
informal conference and withdraw their request, the informal 603
conference need not be held. 604

Sec. 1513.08. (A) After a coal mining and reclamation permit 605
application has been approved, the applicant shall file with the 606
chief of the division of mineral resources management, on a form 607
prescribed and furnished by the chief, the performance security 608
required under this section that shall be payable to the state and 609
conditioned on the faithful performance of all the requirements of 610
this chapter and rules adopted under it and the terms and 611
conditions of the permit. 612

(B) Using the information contained in the permit 613
application; the requirements contained in the approved permit and 614
reclamation plan; and, after considering the topography, geology, 615

hydrology, and revegetation potential of the area of the approved 616
permit, the probable difficulty of reclamation; the chief shall 617
determine the estimated cost of reclamation under the initial term 618
of the permit if the reclamation has to be performed by the 619
division of mineral resources management in the event of 620
forfeiture of the performance security by the applicant. The chief 621
shall send either written notice by certified mail or electronic 622
notice with acknowledgment of receipt of the amount of the 623
estimated cost of reclamation ~~by certified mail~~ to the applicant. 624
The applicant shall send either written notice or electronic 625
notice with acknowledgment of receipt to the chief indicating the 626
method by which the applicant will provide the performance 627
security pursuant to division (C) of this section. 628

(C) The applicant shall provide the performance security in 629
an amount using one of the following: 630

(1) If the applicant elects to provide performance security 631
without reliance on the reclamation forfeiture fund created in 632
section 1513.18 of the Revised Code, the amount of the estimated 633
cost of reclamation as determined by the chief under division (B) 634
of this section for the increments of land on which the operator 635
will conduct a coal mining and reclamation operation under the 636
initial term of the permit as indicated in the application; 637

(2) If the applicant elects to provide performance security 638
together with reliance on the reclamation forfeiture fund through 639
payment of the additional tax on the severance of coal that is 640
levied under division (A)(8) of section 5749.02 of the Revised 641
Code, an amount of twenty-five hundred dollars per acre of land on 642
which the operator will conduct coal mining and reclamation under 643
the initial term of the permit as indicated in the application. In 644
order for an applicant to be eligible to provide performance 645

security in accordance with division (C)(2) of this section, the
applicant, an owner and controller of the applicant, or an
affiliate of the applicant shall have held a permit issued under
this chapter for any coal mining and reclamation operation for a
period of not less than five years.

646
647
648
649
650

If a permit is transferred, assigned, or sold, the transferee
is not eligible to provide performance security under division
(C)(2) of this section if the transferee has not held a permit
issued under this chapter for any coal mining and reclamation
operation for a period of not less than five years. This
restriction applies even if the status or name of the permittee
otherwise remains the same after the transfer, assignment, or
sale.

651
652
653
654
655
656
657
658

In the event of forfeiture of performance security that was
provided in accordance with division (C)(2) of this section, the
difference between the amount of that performance security and the
estimated cost of reclamation as determined by the chief under
division (B) of this section shall be obtained from money in the
reclamation forfeiture fund as needed to complete the reclamation.

659
660
661
662
663
664

The performance security provided under division (C) of this
section for the entire area to be mined under one permit issued
under this chapter shall not be less than ten thousand dollars.

665
666
667

The performance security shall cover areas of land affected
by mining within or immediately adjacent to the permitted area, so
long as the total number of acres does not exceed the number of
acres for which the performance security is provided. However, the
authority for the performance security to cover areas of land
immediately adjacent to the permitted area does not authorize a
permittee to mine areas outside an approved permit area. As
succeeding increments of coal mining and reclamation operations

668
669
670
671
672
673
674
675

are to be initiated and conducted within the permit area, the 676
permittee shall file with the chief additional performance 677
security to cover the increments in accordance with this section. 678
If a permittee intends to mine areas outside the approved permit 679
area, the permittee shall provide additional performance security 680
in accordance with this section to cover the areas to be mined. 681

If an applicant or permittee is not eligible to provide 682
performance security in accordance with division (C)(2) of this 683
section, the applicant or permittee shall provide performance 684
security in accordance with division (C)(1) of this section in the 685
full amount of the estimated cost of reclamation as determined by 686
the chief for a permitted coal preparation plant or coal refuse 687
disposal area that is not located within a permitted area of a 688
mine. If an applicant for a permit for a coal preparation plant or 689
coal refuse disposal area or a permittee of a permitted coal 690
preparation plant or coal refuse disposal area that is not located 691
within a permitted area of a mine has held a permit issued under 692
this chapter for any coal mining and reclamation operation for a 693
period of five years or more, the applicant or permittee may 694
provide performance security for the coal preparation plant or 695
coal refuse disposal area either in accordance with division 696
(C)(1) of this section in the full amount of the estimated cost of 697
reclamation as determined by the chief or in accordance with 698
division (C)(2) of this section in an amount of twenty-five 699
hundred dollars per acre of land with reliance on the reclamation 700
forfeiture fund. If a permittee has previously provided 701
performance security under division (C)(1) of this section for a 702
coal preparation plant or coal refuse disposal area that is not 703
located within a permitted area of a mine and elects to provide 704
performance security in accordance with division (C)(2) of this 705
section, the permittee shall submit written notice to the chief 706

indicating that the permittee elects to provide performance security in accordance with division (C)(2) of this section. Upon receipt of such a written notice, the chief shall release to the permittee the amount of the performance security previously provided under division (C)(1) of this section that exceeds the amount of performance security that is required to be provided under division (C)(2) of this section.

(D) A permittee's liability under the performance security shall be limited to the obligations established under the permit, which include completion of the reclamation plan in order to make the land capable of supporting the postmining land use that was approved in the permit. The period of liability under the performance security shall be for the duration of the coal mining and reclamation operation and for a period coincident with the operator's responsibility for revegetation requirements under section 1513.16 of the Revised Code.

(E) The amount of the estimated cost of reclamation determined under division (B) of this section and the amount of a permittee's performance security provided in accordance with division (C)(1) of this section shall be adjusted by the chief as the land that is affected by mining increases or decreases or if the cost of reclamation increases or decreases. If the performance security was provided in accordance with division (C)(2) of this section and the chief has issued a cessation order under division (D)(2) of section 1513.02 of the Revised Code for failure to abate a violation of the contemporaneous reclamation requirement under division (A)(15) of section 1513.16 of the Revised Code, the chief may require the permittee to increase the amount of performance security from twenty-five hundred dollars per acre of land to five thousand dollars per acre of land.

The chief shall notify the permittee, each surety, and any person who has a property interest in the performance security and who has requested to be notified of any proposed adjustment to the performance security. The permittee may request an informal conference with the chief concerning the proposed adjustment, and the chief shall provide such an informal conference.

If the chief increases the amount of performance security under this division, the permittee shall provide additional performance security in an amount determined by the chief. If the chief decreases the amount of performance security under this division, the chief shall determine the amount of the reduction of the performance security and send either written notice or electronic notice with acknowledgment of receipt of the amount of reduction to the permittee. The permittee may reduce the amount of the performance security in the amount determined by the chief.

(F) A permittee may request a reduction in the amount of the performance security by submitting to the chief documentation proving that the amount of the performance security provided by the permittee exceeds the estimated cost of reclamation if the reclamation would have to be performed by the division in the event of forfeiture of the performance security. The chief shall examine the documentation and determine whether the permittee's performance security exceeds the estimated cost of reclamation. If the chief determines that the performance security exceeds that estimated cost, the chief shall determine the amount of the reduction of the performance security and send either written notice or electronic notice with acknowledgment of receipt of the amount to the permittee. The permittee may reduce the amount of the performance security in the amount determined by the chief. Adjustments in the amount of performance security under this division shall not be considered release of performance security

and are not subject to section 1513.16 of the Revised Code. 768

(G) If the performance security is a bond, it shall be 769
executed by the operator and a corporate surety licensed to do 770
business in this state. If the performance security is a cash 771
deposit or negotiable certificates of deposit of a bank or savings 772
and loan association, the bank or savings and loan association 773
shall be licensed and operating in this state. The cash deposit or 774
market value of the securities shall be equal to or greater than 775
the amount of the performance security required under this 776
section. The chief shall review any documents pertaining to the 777
performance security and approve or disapprove the documents. The 778
chief shall notify the applicant of the chief's determination. 779

(H) If the performance security is a bond, the chief may 780
accept the bond of the applicant itself without separate surety 781
when the applicant demonstrates to the satisfaction of the chief 782
the existence of a suitable agent to receive service of process 783
and a history of financial solvency and continuous operation 784
sufficient for authorization to self-insure or bond the amount. 785

(I) Performance security provided under this section may be 786
held in trust, provided that the state is the primary beneficiary 787
of the trust and the custodian of the performance security held in 788
trust is a bank, trust company, or other financial institution 789
that is licensed and operating in this state. The chief shall 790
review the trust document and approve or disapprove the document. 791
The chief shall notify the applicant of the chief's determination. 792

(J) If a surety, bank, savings and loan association, trust 793
company, or other financial institution that holds the performance 794
security required under this section becomes insolvent, the 795
permittee shall notify the chief of the insolvency, and the chief 796
shall order the permittee to submit a plan for replacement 797

performance security within thirty days after receipt of notice 798
from the chief. If the permittee provided performance security in 799
accordance with division (C)(1) of this section, the permittee 800
shall provide the replacement performance security within ninety 801
days after receipt of notice from the chief. If the permittee 802
provided performance security in accordance with division (C)(2) 803
of this section, the permittee shall provide the replacement 804
performance security within one year after receipt of notice from 805
the chief, and, for a period of one year after the permittee's 806
receipt of notice from the chief or until the permittee provides 807
the replacement performance security, whichever occurs first, 808
money in the reclamation forfeiture fund shall be the permittee's 809
replacement performance security in an amount not to exceed the 810
estimated cost of reclamation as determined by the chief. 811

(K) If a permittee provided performance security in 812
accordance with division (C)(1) of this section, the permittee's 813
responsibility for repairing material damage and replacement of 814
water supply resulting from subsidence shall be satisfied by 815
either of the following: 816

(1) The purchase prior to mining of a noncancelable 817
premium-prepaid liability insurance policy in lieu of the 818
permittee's performance security for subsidence damage. The 819
insurance policy shall contain terms and conditions that 820
specifically provide coverage for repairing material damage and 821
replacement of water supply resulting from subsidence. 822

(2) The provision of additional performance security in the 823
amount of the estimated cost to the division of mineral resources 824
management to repair material damage and replace water supplies 825
resulting from subsidence until the repair or replacement is 826
completed. However, if such repair or replacement is completed, or 827

compensation for structures that have been damaged by subsidence 828
is provided, by the permittee within ninety days of the occurrence 829
of the subsidence, additional performance security is not 830
required. In addition, the chief may extend the ninety-day period 831
for a period not to exceed one year if the chief determines that 832
the permittee has demonstrated in writing that subsidence is not 833
complete and that probable subsidence-related damage likely will 834
occur and, as a result, the completion of repairs of 835
subsidence-related material damage to lands or protected 836
structures or the replacement of water supply within ninety days 837
of the occurrence of the subsidence would be unreasonable. 838

(L) If the performance security provided in accordance with 839
this section exceeds the estimated cost of reclamation, the chief 840
may authorize the amount of the performance security that exceeds 841
the estimated cost of reclamation together with any interest or 842
other earnings on the performance security to be paid to the 843
permittee. 844

(M) A permittee that held a valid coal mining and reclamation 845
permit immediately prior to April 6, 2007, shall provide, not 846
later than a date established by the chief, performance security 847
in accordance with division (C)(1) or (2) of this section, rather 848
than in accordance with the law as it existed prior to that date, 849
by filing it with the chief on a form that the chief prescribes 850
and furnishes. Accordingly, for purposes of this section, 851
"applicant" is deemed to include such a permittee. 852

(N) As used in this section: 853

(1) "Affiliate of the applicant" means an entity that has a 854
parent entity in common with the applicant. 855

(2) "Owner and controller of the applicant" means a person 856
that has any relationship with the applicant that gives the person 857

authority to determine directly or indirectly the manner in which 858
the applicant conducts coal mining operations. 859

Sec. 1513.16. (A) Any permit issued under this chapter to 860
conduct coal mining operations shall require that the operations 861
meet all applicable performance standards of this chapter and such 862
other requirements as the chief of the division of mineral 863
resources management shall adopt by rule. General performance 864
standards shall apply to all coal mining and reclamation 865
operations and shall require the operator at a minimum to do all 866
of the following: 867

(1) Conduct coal mining operations so as to maximize the 868
utilization and conservation of the solid fuel resource being 869
recovered so that re-affecting the land in the future through coal 870
mining can be minimized; 871

(2) Restore the land affected to a condition capable of 872
supporting the uses that it was capable of supporting prior to any 873
mining, or higher or better uses of which there is reasonable 874
likelihood, so long as the uses do not present any actual or 875
probable hazard to public health or safety or pose any actual or 876
probable threat of diminution or pollution of the waters of the 877
state, and the permit applicants' declared proposed land uses 878
following reclamation are not considered to be impractical or 879
unreasonable, to be inconsistent with applicable land use policies 880
and plans, to involve unreasonable delay in implementation, or to 881
violate federal, state, or local law; 882

(3) Except as provided in division (B) of this section, with 883
respect to all coal mining operations, backfill, compact where 884
advisable to ensure stability or to prevent leaching of toxic 885
materials, and grade in order to restore the approximate original 886

contour of the land with all highwalls, spoil piles, and 887
depressions eliminated unless small depressions are needed in 888
order to retain moisture to assist revegetation or as otherwise 889
authorized pursuant to this chapter, provided that if the operator 890
demonstrates that due to volumetric expansion the amount of 891
overburden and the spoil and waste materials removed in the course 892
of the mining operation are more than sufficient to restore the 893
approximate original contour, the operator shall backfill, grade, 894
and compact the excess overburden and other spoil and waste 895
materials to attain the lowest grade, but not more than the angle 896
of repose, and to cover all acid-forming and other toxic materials 897
in order to achieve an ecologically sound land use compatible with 898
the surrounding region in accordance with the approved mining 899
plan. The overburden or spoil shall be shaped and graded in such a 900
way as to prevent slides, erosion, and water pollution and shall 901
be revegetated in accordance with this chapter. 902

(4) Stabilize and protect all surface areas, including spoil 903
piles affected by the coal mining and reclamation operation, to 904
control erosion and attendant air and water pollution effectively; 905

(5) Remove the topsoil from the land in a separate layer, 906
replace it on the backfill area, or, if not utilized immediately, 907
segregate it in a separate pile from the spoil, and when the 908
topsoil is not replaced on a backfill area within a time short 909
enough to avoid deterioration of the topsoil, maintain a 910
successful cover by quick-growing plants or other means thereafter 911
so that the topsoil is preserved from wind and water erosion, 912
remains free of any contamination by acid or other toxic material, 913
and is in a usable condition for sustaining vegetation when 914
restored during reclamation. If the topsoil is of insufficient 915
quantity or of poor quality for sustaining vegetation or if other 916
strata can be shown to be more suitable for vegetation 917

requirements, the operator shall remove, segregate, and preserve 918
in a like manner such other strata as are best able to support 919
vegetation. 920

(6) Restore the topsoil or the best available subsoil that is 921
best able to support vegetation; 922

(7) For all prime farmlands as identified in division 923
(B)(1)(p) of section 1513.07 of the Revised Code to be mined and 924
reclaimed, perform soil removal, storage, replacement, and 925
reconstruction in accordance with specifications established by 926
the secretary of the United States department of agriculture under 927
the "Surface Mining Control and Reclamation Act of 1977," 91 Stat. 928
445, 30 U.S.C.A. 1201. The operator, at a minimum, shall be 929
required to do all of the following: 930

(a) Segregate the A horizon of the natural soil, except where 931
it can be shown that other available soil materials will create a 932
final soil having a greater productive capacity, and, if not 933
utilized immediately, stockpile this material separately from the 934
spoil and provide needed protection from wind and water erosion or 935
contamination by acid or other toxic material; 936

(b) Segregate the B horizon of the natural soil, or 937
underlying C horizons or other strata, or a combination of such 938
horizons or other strata that are shown to be both texturally and 939
chemically suitable for plant growth and that can be shown to be 940
equally or more favorable for plant growth than the B horizon, in 941
sufficient quantities to create in the regraded final soil a root 942
zone of comparable depth and quality to that which existed in the 943
natural soil, and, if not utilized immediately, stockpile this 944
material separately from the spoil and provide needed protection 945
from wind and water erosion or contamination by acid or other 946
toxic material; 947

- (c) Replace and regrade the root zone material described in 948
division (A)(7)(b) of this section with proper compaction and 949
uniform depth over the regraded spoil material; 950
- (d) Redistribute and grade in a uniform manner the surface 951
soil horizon described in division (A)(7)(a) of this section. 952
- (8) Create, if authorized in the approved mining and 953
reclamation plan and permit, permanent impoundments of water on 954
mining sites as part of reclamation activities only when it is 955
adequately demonstrated by the operator that all of the following 956
conditions will be met: 957
- (a) The size of the impoundment is adequate for its intended 958
purposes. 959
- (b) The impoundment dam construction will be so designed as 960
to achieve necessary stability with an adequate margin of safety 961
compatible with that of structures constructed under the 962
"Watershed Protection and Flood Prevention Act," 68 Stat. 666 963
(1954), 16 U.S.C. 1001, as amended. 964
- (c) The quality of impounded water will be suitable on a 965
permanent basis for its intended use and discharges from the 966
impoundment will not degrade the water quality below water quality 967
standards established pursuant to applicable federal and state law 968
in the receiving stream. 969
- (d) The level of water will be reasonably stable. 970
- (e) Final grading will provide adequate safety and access for 971
proposed water users. 972
- (f) The water impoundments will not result in the diminution 973
of the quality or quantity of water utilized by adjacent or 974
surrounding landowners for agricultural, industrial, recreational, 975
or domestic uses. 976

(9) Conduct any augering operation associated with strip	977
mining in a manner to maximize recoverability of mineral reserves	978
remaining after the operation and reclamation are complete and	979
seal all auger holes with an impervious and noncombustible	980
material in order to prevent drainage, except where the chief	981
determines that the resulting impoundment of water in such auger	982
holes may create a hazard to the environment or the public health	983
or safety. The chief may prohibit augering if necessary to	984
maximize the utilization, recoverability, or conservation of the	985
solid fuel resources or to protect against adverse water quality	986
impacts.	987
(10) Minimize the disturbances to the prevailing hydrologic	988
balance at the mine site and in associated offsite areas and to	989
the quality and quantity of water in surface and ground water	990
systems both during and after coal mining operations and during	991
reclamation by doing all of the following:	992
(a) Avoiding acid or other toxic mine drainage by such	993
measures as, but not limited to:	994
(i) Preventing or removing water from contact with toxic	995
producing deposits;	996
(ii) Treating drainage to reduce toxic content that adversely	997
affects downstream water upon being released to water courses in	998
accordance with rules adopted by the chief in accordance with	999
section 1513.02 of the Revised Code;	1000
(iii) Casing, sealing, or otherwise managing boreholes,	1001
shafts, and wells, and keeping acid or other toxic drainage from	1002
entering ground and surface waters.	1003
(b)(i) Conducting coal mining operations so as to prevent, to	1004
the extent possible using the best technology currently available,	1005

additional contributions of suspended solids to streamflow or runoff outside the permit area, but in no event shall contributions be in excess of requirements set by applicable state or federal laws;

(ii) Constructing any siltation structures pursuant to division (A)(10)(b)(i) of this section prior to commencement of coal mining operations. The structures shall be certified by persons approved by the chief to be constructed as designed and as approved in the reclamation plan.

(c) Cleaning out and removing temporary or large settling ponds or other siltation structures from drainways after disturbed areas are revegetated and stabilized, and depositing the silt and debris at a site and in a manner approved by the chief;

(d) Restoring recharge capacity of the mined area to approximate premining conditions;

(e) Avoiding channel deepening or enlargement in operations requiring the discharge of water from mines;

(f) Such other actions as the chief may prescribe.

(11) With respect to surface disposal of mine wastes, tailings, coal processing wastes, and other wastes in areas other than the mine working areas or excavations, stabilize all waste piles in designated areas through construction in compacted layers, including the use of noncombustible and impervious materials if necessary, and ensure that the final contour of the waste pile will be compatible with natural surroundings and that the site can and will be stabilized and revegetated according to this chapter;

(12) Refrain from coal mining within five hundred feet of active and abandoned underground mines in order to prevent

breakthroughs and to protect the health or safety of miners. The 1035
 chief shall permit an operator to mine near, through, or partially 1036
 through an abandoned underground mine or closer than five hundred 1037
 feet to an active underground mine if both of the following 1038
 conditions are met: 1039

(a) The nature, timing, and sequencing of the approximate 1040
 coincidence of specific strip mine activities with specific 1041
 underground mine activities are approved by the chief. 1042

(b) The operations will result in improved resource recovery, 1043
 abatement of water pollution, or elimination of hazards to the 1044
 health and safety of the public. 1045

(13) Design, locate, construct, operate, maintain, enlarge, 1046
 modify, and remove or abandon, in accordance with the standards 1047
 and criteria developed pursuant to rules adopted by the chief, all 1048
 existing and new coal mine waste piles consisting of mine wastes, 1049
 tailings, coal processing wastes, or other liquid and solid 1050
 wastes, and used either temporarily or permanently as dams or 1051
 embankments; 1052

(14) Ensure that all debris, acid-forming materials, toxic 1053
 materials, or materials constituting a fire hazard are treated or 1054
 buried and compacted or otherwise disposed of in a manner designed 1055
 to prevent contamination of ground or surface waters and that 1056
 contingency plans are developed to prevent sustained combustion; 1057

(15) Ensure that all reclamation efforts proceed in an 1058
 environmentally sound manner and as contemporaneously as 1059
 practicable with the coal mining operations, except that where the 1060
 applicant proposes to combine strip mining operations with 1061
 underground mining operations to ensure maximum practical recovery 1062
 of the mineral resources, the chief may grant a variance for 1063
 specific areas within the reclamation plan from the requirement 1064

that reclamation efforts proceed as contemporaneously as 1065
practicable to permit underground mining operations prior to 1066
reclamation if: 1067

(a) The chief finds in writing that: 1068

(i) The applicant has presented, as part of the permit 1069
application, specific, feasible plans for the proposed underground 1070
mining operations. 1071

(ii) The proposed underground mining operations are necessary 1072
or desirable to ensure maximum practical recovery of the mineral 1073
resource and will avoid multiple disturbance of the surface. 1074

(iii) The applicant has satisfactorily demonstrated that the 1075
plan for the underground mining operations conforms to 1076
requirements for underground mining in this state and that permits 1077
necessary for the underground mining operations have been issued 1078
by the appropriate authority. 1079

(iv) The areas proposed for the variance have been shown by 1080
the applicant to be necessary for the implementing of the proposed 1081
underground mining operations. 1082

(v) No substantial adverse environmental damage, either 1083
on-site or off-site, will result from the delay in completion of 1084
reclamation as required by this chapter. 1085

(vi) Provisions for the off-site storage of spoil will comply 1086
with division (A)(21) of this section. 1087

(b) The chief has adopted specific rules to govern the 1088
granting of such variances in accordance with this division and 1089
has imposed such additional requirements as the chief considers 1090
necessary. 1091

(c) Variances granted under this division shall be reviewed 1092

by the chief not more than three years from the date of issuance 1093
of the permit. 1094

(d) Liability under the performance security filed by the 1095
applicant with the chief pursuant to section 1513.08 of the 1096
Revised Code shall be for the duration of the underground mining 1097
operations and until the requirements of this section and section 1098
1513.08 of the Revised Code have been fully complied with. 1099

(16) Ensure that the construction, maintenance, and 1100
postmining conditions of access roads into and across the site of 1101
operations will control or prevent erosion and siltation, 1102
pollution of water, and damage to fish or wildlife or their 1103
habitat, or to public or private property; 1104

(17) Refrain from the construction of roads or other access 1105
ways up a stream bed or drainage channel or in such proximity to 1106
the channel as to seriously alter the normal flow of water; 1107

(18) Establish, on the regraded areas and all other lands 1108
affected, a diverse, effective, and permanent vegetative cover of 1109
the same seasonal variety native to the area of land to be 1110
affected and capable of self-regeneration and plant succession at 1111
least equal in extent of cover to the natural vegetation of the 1112
area, except that introduced species may be used in the 1113
revegetation process where desirable and necessary to achieve the 1114
approved postmining land use plan; 1115

(19)(a) Assume the responsibility for successful 1116
revegetation, as required by division (A)(18) of this section, for 1117
a period of five full years after the last year of augmented 1118
seeding, fertilizing, irrigation, or other work in order to ensure 1119
compliance with that division, except that when the chief approves 1120
a long-term intensive agricultural postmining land use, the 1121
applicable five-year period of responsibility for revegetation 1122

shall commence at the date of initial planting for that long-term 1123
intensive agricultural postmining land use, and except that when 1124
the chief issues a written finding approving a long-term intensive 1125
agricultural postmining land use as part of the mining and 1126
reclamation plan, the chief may grant an exception to division 1127
(A)(18) of this section; 1128

(b) On lands eligible for remining, assume the responsibility 1129
for successful revegetation, as required by division (A)(18) of 1130
this section, for a period of two full years after the last year 1131
of augmented seeding, fertilizing, irrigation, or other work in 1132
order to ensure compliance with that division. 1133

(20) Protect off-site areas from slides or damage occurring 1134
during the coal mining and reclamation operations and not deposit 1135
spoil material or locate any part of the operations or waste 1136
accumulations outside the permit area; 1137

(21) Place all excess spoil material resulting from coal 1138
mining and reclamation operations in such a manner that all of the 1139
following apply: 1140

(a) Spoil is transported and placed in a controlled manner in 1141
position for concurrent compaction and in such a way as to ensure 1142
mass stability and to prevent mass movement. 1143

(b) The areas of disposal are within the permit areas for 1144
which performance security has been provided. All organic matter 1145
shall be removed immediately prior to spoil placement except in 1146
the zoned concept method. 1147

(c) Appropriate surface and internal drainage systems and 1148
diversion ditches are used so as to prevent spoil erosion and mass 1149
movement. 1150

(d) The disposal area does not contain springs, natural 1151

watercourses, or wet weather seeps unless lateral drains are 1152
constructed from the wet areas to the main underdrains in such a 1153
manner that filtration of the water into the spoil pile will be 1154
prevented unless the zoned concept method is used. 1155

(e) If placed on a slope, the spoil is placed upon the most 1156
moderate slope among those slopes upon which, in the judgment of 1157
the chief, the spoil could be placed in compliance with all the 1158
requirements of this chapter and is placed, where possible, upon, 1159
or above, a natural terrace, bench, or berm if that placement 1160
provides additional stability and prevents mass movement. 1161

(f) Where the toe of the spoil rests on a downslope, a rock 1162
toe buttress of sufficient size to prevent mass movement is 1163
constructed. 1164

(g) The final configuration is compatible with the natural 1165
drainage pattern and surroundings and suitable for intended uses. 1166

(h) Design of the spoil disposal area is certified by a 1167
qualified registered professional engineer in conformance with 1168
professional standards. 1169

(i) All other provisions of this chapter are met. 1170

(22) Meet such other criteria as are necessary to achieve 1171
reclamation in accordance with the purpose of this chapter, taking 1172
into consideration the physical, climatological, and other 1173
characteristics of the site; 1174

(23) To the extent possible, using the best technology 1175
currently available, minimize disturbances and adverse impacts of 1176
the operation on fish, wildlife, and related environmental values, 1177
and achieve enhancement of such resources where practicable; 1178

(24) Provide for an undisturbed natural barrier beginning at 1179
the elevation of the lowest coal seam to be mined and extending 1180

from the outslope for such distance as the chief shall determine 1181
to be retained in place as a barrier to slides and erosion; 1182

(25) Restore on the permit area streams and wetlands affected 1183
by mining operations unless the chief approves restoration off the 1184
permit area without a permit required by section 1513.07 or 1185
1513.074 of the Revised Code, instead of restoration on the permit 1186
area, of a stream or wetland or a portion of a stream or wetland, 1187
provided that the chief first makes all of the following written 1188
determinations: 1189

(a) A hydrologic and engineering assessment of the affected 1190
lands, submitted by the operator, demonstrates that restoration on 1191
the permit area is not possible. 1192

(b) The proposed mitigation plan under which mitigation 1193
activities described in division (A)(25)(c) of this section will 1194
be conducted is limited to a stream or wetland, or a portion of a 1195
stream or wetland, for which restoration on the permit area is not 1196
possible. 1197

(c) Mitigation activities off the permit area, including 1198
mitigation banking and payment of in-lieu mitigation fees, will be 1199
performed pursuant to a permit issued under sections 401 and 404 1200
of the "Federal Water Pollution Control Act" as defined in section 1201
6111.01 of the Revised Code or an isolated wetland permit issued 1202
under Chapter 6111. of the Revised Code or pursuant to a no-cost 1203
reclamation contract for the restoration of water resources 1204
affected by past mining activities pursuant to section 1513.37 of 1205
the Revised Code. 1206

(d) The proposed mitigation plan and mitigation activities 1207
comply with the standards established in this section. 1208

If the chief approves restoration off the permit area in 1209

accordance with this division, the operator shall complete all 1210
mitigation construction or other activities required by the 1211
mitigation plan. 1212

Performance security for reclamation activities on the permit 1213
area shall be released pursuant to division (F) of this section, 1214
except that the release of the remaining portion of performance 1215
security under division (F)(3)(c) of this section shall not be 1216
approved prior to the construction of required mitigation 1217
activities off the permit area. 1218

(B)(1) The chief may permit mining operations for the 1219
purposes set forth in division (B)(3) of this section. 1220

(2) When an applicant meets the requirements of divisions 1221
(B)(3) and (4) of this section, a permit without regard to the 1222
requirement to restore to approximate original contour known as 1223
mountain top removal set forth in divisions (A)(3) or (C)(2) and 1224
(3) of this section may be granted for the mining of coal where 1225
the mining operation will remove an entire coal seam or seams 1226
running through the upper fraction of a mountain, ridge, or hill, 1227
except as provided in division (B)(4)(a) of this section, by 1228
removing all of the overburden and creating a level plateau or a 1229
gently rolling contour with no highwalls remaining, and capable of 1230
supporting postmining uses in accordance with this division. 1231

(3) In cases where an industrial, commercial, agricultural, 1232
residential, or public facility use, including recreational 1233
facilities, is proposed for the postmining use of the affected 1234
land, the chief may grant a permit for a mining operation of the 1235
nature described in division (B)(2) of this section when all of 1236
the following apply: 1237

(a) After consultation with the appropriate land use planning 1238
agencies, if any, the proposed postmining land use is considered 1239

to constitute an equal or better economic or public use of the	1240
affected land, as compared with premining use.	1241
(b) The applicant presents specific plans for the proposed	1242
postmining land use and appropriate assurances that the use will	1243
be all of the following:	1244
(i) Compatible with adjacent land uses;	1245
(ii) Obtainable according to data regarding expected need and	1246
market;	1247
(iii) Assured of investment in necessary public facilities;	1248
(iv) Supported by commitments from public agencies where	1249
appropriate;	1250
(v) Practicable with respect to private financial capability	1251
for completion of the proposed use;	1252
(vi) Planned pursuant to a schedule attached to the	1253
reclamation plan so as to integrate the mining operation and	1254
reclamation with the postmining land use;	1255
(vii) Designed by a registered engineer in conformity with	1256
professional standards established to ensure the stability,	1257
drainage, and configuration necessary for the intended use of the	1258
site.	1259
(c) The proposed use is consistent with adjacent land uses	1260
and existing state and local land use plans and programs.	1261
(d) The chief provides the governing body of the unit of	1262
general-purpose local government in which the land is located, and	1263
any state or federal agency that the chief, in the chief's	1264
discretion, determines to have an interest in the proposed use, an	1265
opportunity of not more than sixty days to review and comment on	1266
the proposed use.	1267

(e) All other requirements of this chapter will be met.	1268
(4) In granting a permit pursuant to this division, the chief shall require that each of the following is met:	1269
(a) The toe of the lowest coal seam and the overburden associated with it are retained in place as a barrier to slides and erosion.	1270
(a) The toe of the lowest coal seam and the overburden associated with it are retained in place as a barrier to slides and erosion.	1271
(a) The toe of the lowest coal seam and the overburden associated with it are retained in place as a barrier to slides and erosion.	1272
(a) The toe of the lowest coal seam and the overburden associated with it are retained in place as a barrier to slides and erosion.	1273
(b) The reclaimed area is stable.	1274
(c) The resulting plateau or rolling contour drains inward from the outslopes except at specified points.	1275
(c) The resulting plateau or rolling contour drains inward from the outslopes except at specified points.	1276
(d) No damage will be done to natural watercourses.	1277
(e) Spoil will be placed on the mountaintop bench as is necessary to achieve the planned postmining land use, except that all excess spoil material not retained on the mountaintop bench shall be placed in accordance with division (A)(21) of this section.	1278
(e) Spoil will be placed on the mountaintop bench as is necessary to achieve the planned postmining land use, except that all excess spoil material not retained on the mountaintop bench shall be placed in accordance with division (A)(21) of this section.	1279
(e) Spoil will be placed on the mountaintop bench as is necessary to achieve the planned postmining land use, except that all excess spoil material not retained on the mountaintop bench shall be placed in accordance with division (A)(21) of this section.	1280
(e) Spoil will be placed on the mountaintop bench as is necessary to achieve the planned postmining land use, except that all excess spoil material not retained on the mountaintop bench shall be placed in accordance with division (A)(21) of this section.	1281
(e) Spoil will be placed on the mountaintop bench as is necessary to achieve the planned postmining land use, except that all excess spoil material not retained on the mountaintop bench shall be placed in accordance with division (A)(21) of this section.	1282
(f) Stability of the spoil retained on the mountaintop bench is ensured and the other requirements of this chapter are met.	1283
(f) Stability of the spoil retained on the mountaintop bench is ensured and the other requirements of this chapter are met.	1284
(5) The chief shall adopt specific rules to govern the granting of permits in accordance with divisions (B)(1) to (4) of this section and may impose such additional requirements as the chief considers necessary.	1285
(5) The chief shall adopt specific rules to govern the granting of permits in accordance with divisions (B)(1) to (4) of this section and may impose such additional requirements as the chief considers necessary.	1286
(5) The chief shall adopt specific rules to govern the granting of permits in accordance with divisions (B)(1) to (4) of this section and may impose such additional requirements as the chief considers necessary.	1287
(5) The chief shall adopt specific rules to govern the granting of permits in accordance with divisions (B)(1) to (4) of this section and may impose such additional requirements as the chief considers necessary.	1288
(6) All permits granted under divisions (B)(1) to (4) of this section shall be reviewed not more than three years from the date of issuance of the permit unless the applicant affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the approved schedule and reclamation plan.	1289
(6) All permits granted under divisions (B)(1) to (4) of this section shall be reviewed not more than three years from the date of issuance of the permit unless the applicant affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the approved schedule and reclamation plan.	1290
(6) All permits granted under divisions (B)(1) to (4) of this section shall be reviewed not more than three years from the date of issuance of the permit unless the applicant affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the approved schedule and reclamation plan.	1291
(6) All permits granted under divisions (B)(1) to (4) of this section shall be reviewed not more than three years from the date of issuance of the permit unless the applicant affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the approved schedule and reclamation plan.	1292
(6) All permits granted under divisions (B)(1) to (4) of this section shall be reviewed not more than three years from the date of issuance of the permit unless the applicant affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the approved schedule and reclamation plan.	1293
(6) All permits granted under divisions (B)(1) to (4) of this section shall be reviewed not more than three years from the date of issuance of the permit unless the applicant affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the approved schedule and reclamation plan.	1294
(C) All of the following performance standards apply to	1295

steep-slope coal mining and are in addition to those general 1296
performance standards required by this section, except that this 1297
division does not apply to those situations in which an operator 1298
is mining on flat or gently rolling terrain on which an occasional 1299
steep slope is encountered through which the mining operation is 1300
to proceed, leaving a plain or predominantly flat area, or where 1301
an operator is in compliance with division (B) of this section: 1302

(1) The operator shall ensure that when performing coal 1303
mining on steep slopes, no debris, abandoned or disabled 1304
equipment, spoil material, or waste mineral matter is placed on 1305
the downslope below the bench or mining cut. Spoil material in 1306
excess of that required for the reconstruction of the approximate 1307
original contour under division (A)(3) or (C)(2) of this section 1308
shall be permanently stored pursuant to division (A)(21) of this 1309
section. 1310

(2) The operator shall complete backfilling with spoil 1311
material to cover completely the highwall and return the site to 1312
the approximate original contour, which material will maintain 1313
stability following mining and reclamation. 1314

(3) The operator shall not disturb land above the top of the 1315
highwall unless the chief finds that the disturbance will 1316
facilitate compliance with the environmental protection standards 1317
of this section, except that any such disturbance involving land 1318
above the highwall shall be limited to that amount of land 1319
necessary to facilitate compliance. 1320

(D)(1) The chief may permit variances for the purposes set 1321
forth in division (D)(3) of this section, provided that the 1322
watershed control of the area is improved and that complete 1323
backfilling with spoil material shall be required to cover 1324
completely the highwall, which material will maintain stability 1325

following mining and reclamation. 1326

(2) Where an applicant meets the requirements of divisions 1327
(D)(3) and (4) of this section, a variance from the requirement to 1328
restore to approximate original contour set forth in division 1329
(C)(2) of this section may be granted for the mining of coal when 1330
the owner of the surface knowingly requests in writing, as a part 1331
of the permit application, that such a variance be granted so as 1332
to render the land, after reclamation, suitable for an industrial, 1333
commercial, residential, or public use, including recreational 1334
facilities, in accordance with divisions (D)(3) and (4) of this 1335
section. 1336

(3) A variance pursuant to division (D)(2) of this section 1337
may be granted if: 1338

(a) After consultation with the appropriate land use planning 1339
agencies, if any, the potential use of the affected land is 1340
considered to constitute an equal or better economic or public 1341
use. 1342

(b) The postmining land condition is designed and certified 1343
by a registered professional engineer in conformity with 1344
professional standards established to ensure the stability, 1345
drainage, and configuration necessary for the intended use of the 1346
site. 1347

(c) After approval of the appropriate state environmental 1348
agencies, the watershed of the affected land is considered to be 1349
improved. 1350

(4) In granting a variance pursuant to division (D) of this 1351
section, the chief shall require that only such amount of spoil 1352
will be placed off the mine bench as is necessary to achieve the 1353
planned postmining land use, ensure stability of the spoil 1354

retained on the bench, and meet all other requirements of this 1355
chapter. All spoil placement off the mine bench shall comply with 1356
division (A)(21) of this section. 1357

(5) The chief shall adopt specific rules to govern the 1358
granting of variances under division (D) of this section and may 1359
impose such additional requirements as the chief considers 1360
necessary. 1361

(6) All variances granted under division (D) of this section 1362
shall be reviewed not more than three years from the date of 1363
issuance of the permit unless the permittee affirmatively 1364
demonstrates that the proposed development is proceeding in 1365
accordance with the terms of the reclamation plan. 1366

(E) The chief shall establish standards and criteria 1367
regulating the design, location, construction, operation, 1368
maintenance, enlargement, modification, removal, and abandonment 1369
of new and existing coal mine waste piles referred to in division 1370
(A)(13) of this section and division (A)(5) of section 1513.35 of 1371
the Revised Code. The standards and criteria shall conform to the 1372
standards and criteria used by the chief of the United States army 1373
corps of engineers to ensure that flood control structures are 1374
safe and effectively perform their intended function. In addition 1375
to engineering and other technical specifications, the standards 1376
and criteria developed pursuant to this division shall include 1377
provisions for review and approval of plans and specifications 1378
prior to construction, enlargement, modification, removal, or 1379
abandonment; performance of periodic inspections during 1380
construction; issuance of certificates of approval upon completion 1381
of construction; performance of periodic safety inspections; and 1382
issuance of notices for required remedial or maintenance work. 1383

(F)(1) The permittee may file a request with the chief for 1384

release of a part of a performance security under division (F)(3) 1385
of this section. Within thirty days after any request for 1386
performance security release under this section has been filed 1387
with the chief, the operator shall submit a copy of an 1388
advertisement placed at least once a week for four successive 1389
weeks in a newspaper of general circulation in the locality of the 1390
coal mining operation. The advertisement shall be considered part 1391
of any performance security release application and shall contain 1392
a notification of the precise location of the land affected, the 1393
number of acres, the permit number and the date approved, the 1394
amount of the performance security filed and the portion sought to 1395
be released, the type and appropriate dates of reclamation work 1396
performed, and a description of the results achieved as they 1397
relate to the operator's approved reclamation plan and, if 1398
applicable, the operator's pollution abatement plan. In addition, 1399
as part of any performance security release application, the 1400
applicant shall submit copies of the letters sent to adjoining 1401
property owners, local governmental bodies, planning agencies, and 1402
sewage and water treatment authorities or water companies in the 1403
locality in which the coal mining and reclamation activities took 1404
place, notifying them of the applicant's intention to seek release 1405
from the performance security. 1406

(2) Upon receipt of a copy of the advertisement and request 1407
for release of a performance security under division (F)(3)(c) of 1408
this section, the chief, within thirty days, shall conduct an 1409
inspection and evaluation of the reclamation work involved. The 1410
evaluation shall consider, among other things, the degree of 1411
difficulty to complete any remaining reclamation, whether 1412
pollution of surface and subsurface water is occurring, the 1413
probability of continuation or future occurrence of the pollution, 1414
and the estimated cost of abating the pollution. The chief shall 1415

notify the permittee in writing of the decision to release or not
to release all or part of the performance security within sixty
days after the filing of the request if no public hearing is held
pursuant to division (F)(6) of this section or, if there has been
a public hearing held pursuant to division (F)(6) of this section,
within thirty days thereafter.

(3) The chief may release the performance security if the
reclamation covered by the performance security or portion thereof
has been accomplished as required by this chapter and rules
adopted under it according to the following schedule:

(a) When the operator completes the backfilling, regrading,
and drainage control of an area for which performance security has
been provided in accordance with the approved reclamation plan,
and, if the area covered by the performance security is one for
which an authorization was made under division (E)(7) of section
1513.07 of the Revised Code, the operator has complied with the
approved pollution abatement plan and all additional requirements
established by the chief in rules adopted under section 1513.02 of
the Revised Code governing coal mining and reclamation operations
on pollution abatement areas, the chief shall grant a release of
fifty per cent of the performance security for the applicable
permit area.

(b) After resoiling and revegetation have been established on
the regraded mined lands in accordance with the approved
reclamation plan, the chief shall grant a release in an amount not
exceeding thirty-five per cent of the original performance
security for all or part of the affected area under the permit.
When determining the amount of performance security to be released
after successful revegetation has been established, the chief
shall retain that amount of performance security for the

revegetated area that would be sufficient for a third party to 1446
cover the cost of reestablishing revegetation for the period 1447
specified for operator responsibility in this section for 1448
reestablishing revegetation. No part of the performance security 1449
shall be released under this division so long as the lands to 1450
which the release would be applicable are contributing suspended 1451
solids to streamflow or runoff outside the permit area in excess 1452
of the requirements of this section or until soil productivity for 1453
prime farmlands has returned to equivalent levels of yield as 1454
nonmined land of the same soil type in the surrounding area under 1455
equivalent management practices as determined from the soil survey 1456
performed pursuant to section 1513.07 of the Revised Code. If the 1457
area covered by the performance security is one for which an 1458
authorization was made under division (E)(7) of section 1513.07 of 1459
the Revised Code, no part of the performance security shall be 1460
released under this division until the operator has complied with 1461
the approved pollution abatement plan and all additional 1462
requirements established by the chief in rules adopted under 1463
section 1513.02 of the Revised Code governing coal mining and 1464
reclamation operations on pollution abatement areas. Where a silt 1465
dam is to be retained as a permanent impoundment pursuant to 1466
division (A)(10) of this section, the portion of performance 1467
security may be released under this division so long as provisions 1468
for sound future maintenance by the operator or the landowner have 1469
been made with the chief. 1470

(c) When the operator has completed successfully all coal 1471
mining and reclamation activities, including, if applicable, all 1472
additional requirements established in the pollution abatement 1473
plan approved under division (E)(7) of section 1513.07 of the 1474
Revised Code and all additional requirements established by the 1475
chief in rules adopted under section 1513.02 of the Revised Code 1476

governing coal mining and reclamation operations on pollution 1477
 abatement areas, the chief shall release all or any of the 1478
 remaining portion of the performance security for all or part of 1479
 the affected area under a permit, but not before the expiration of 1480
 the period specified for operator responsibility in this section, 1481
 except that the chief may adopt rules for a variance to the 1482
 operator period of responsibility considering vegetation success 1483
 and probability of continued growth and consent of the landowner, 1484
 provided that no performance security shall be fully released 1485
 until all reclamation requirements of this chapter are fully met. 1486

(4) If the chief disapproves the application for release of 1487
 the performance security or portion thereof, the chief shall 1488
 notify the permittee, in writing, stating the reasons for 1489
 disapproval and recommending corrective actions necessary to 1490
 secure the release, and allowing the opportunity for a public 1491
 adjudicatory hearing. 1492

(5) When any application for total or partial performance 1493
 security release is filed with the chief under this section, the 1494
 chief shall notify the municipal corporation in which the coal 1495
 mining operation is located by certified mail at least thirty days 1496
 prior to the release of all or a portion of the performance 1497
 security. 1498

(6) A person with a valid legal interest that might be 1499
 adversely affected by release of a performance security under this 1500
 section or the responsible officer or head of any federal, state, 1501
 or local government agency that has jurisdiction by law or special 1502
 expertise with respect to any environmental, social, or economic 1503
 impact involved in the operation or is authorized to develop and 1504
 enforce environmental standards with respect to such operations 1505
 may file written objections to the proposed release from the 1506

performance security with the chief within thirty days after the
last publication of the notice required by division (F)(1) of this
section. If written objections are filed and an informal
conference is requested, the chief shall inform all interested
parties of the time and place of the conference. The date, time,
and location of the informal conference shall be advertised by the
chief in a newspaper of general circulation in the locality of the
coal mining operation proposed for performance security release
for at least once a week for two consecutive weeks. The informal
conference shall be held in the locality of the coal mining
operation proposed for performance security release or in Franklin
county, at the option of the objector, within thirty days after
the request for the conference. An electronic ~~or stenographic~~
record shall be made of the conference proceeding unless waived by
all parties. The record shall be maintained and shall be
accessible to the parties until final release of the performance
security at issue. In the event all parties requesting the
informal conference stipulate agreement prior to the requested
informal conference and withdraw their request, the informal
conference need not be held.

(7) If an informal conference has been held pursuant to
division (F)(6) of this section, the chief shall issue and furnish
the applicant and persons who participated in the conference with
the written decision regarding the release within sixty days after
the conference. Within thirty days after notification of the final
decision of the chief regarding the performance security release,
the applicant or any person with an interest that is or may be
adversely affected by the decision may appeal the decision to the
reclamation commission pursuant to section 1513.13 of the Revised
Code.

(8)(a) If the chief determines that a permittee is

responsible for mine drainage that requires water treatment after 1538
reclamation is completed under the terms of the permit or that a 1539
permittee must provide an alternative water supply after 1540
reclamation is completed under the terms of the permit, the 1541
permittee shall provide alternative financial security in an 1542
amount determined by the chief prior to the release of the 1543
remaining portion of performance security under division (F)(3)(c) 1544
of this section. The alternative financial security shall be in an 1545
amount that is equal to or greater than the present value of the 1546
estimated cost over time to develop and implement mine drainage 1547
plans and provide water treatment or in an amount that is 1548
necessary to provide and maintain an alternative water supply, as 1549
applicable. The alternative financial security shall include a 1550
contract, trust, or other agreement or mechanism that is 1551
enforceable under law to provide long-term water treatment or a 1552
long-term alternative water supply, or both. The contract, trust, 1553
or other agreement or mechanism included with the alternative 1554
financial security may provide for the funding of the alternative 1555
financial security incrementally over a period of time, not to 1556
exceed five years, with reliance on guarantees or other collateral 1557
provided by the permittee and approved by the chief for the 1558
balance of the alternative financial security required until the 1559
alternative financial security has been fully funded by the 1560
permittee. 1561

(b) The chief shall adopt rules in accordance with Chapter 1562
119. of the Revised Code that are necessary for the administration 1563
of division (F)(8)(a) of this section. 1564

(c) If the chief determines that a permittee must provide 1565
alternative financial security under division (F)(8)(a) of this 1566
section and the performance security for the permit was provided 1567
under division (C)(2) of section 1513.08 of the Revised Code, the 1568

permittee may fund the alternative financial security 1569
incrementally over a period of time, not to exceed five years, 1570
with reliance on the reclamation forfeiture fund created in 1571
section 1513.18 of the Revised Code for the balance of the 1572
alternative financial security required until the alternative 1573
financial security has been fully funded by the permittee. The 1574
permittee semiannually shall pay to the division of mineral 1575
resources management a fee that is equal to seven and one-half per 1576
cent of the average balance of the alternative financial security 1577
that is being provided by reliance on the reclamation forfeiture 1578
fund over the previous six months. All money received from the fee 1579
shall be credited to the reclamation forfeiture fund. 1580

(9) Final release of the performance security in accordance 1581
with division (F)(3)(c) of this section terminates the 1582
jurisdiction of the chief under this chapter over the reclaimed 1583
site of a surface coal mining and reclamation operation or 1584
applicable portion of an operation. However, the chief shall 1585
reassert jurisdiction over such a site if the release was based on 1586
fraud, collusion, or misrepresentation of a material fact and the 1587
chief, in writing, demonstrates evidence of the fraud, collusion, 1588
or misrepresentation. Any person with an interest that is or may 1589
be adversely affected by the chief's determination may appeal the 1590
determination to the reclamation commission in accordance with 1591
section 1513.13 of the Revised Code. 1592

(G) The chief shall adopt rules governing the criteria for 1593
forfeiture of performance security, the method of determining the 1594
forfeited amount, and the procedures to be followed in the event 1595
of forfeiture. Cash received as the result of such forfeiture is 1596
the property of the state. 1597

Sec. 1565.12. When a loss of life is occasioned by accident 1598

in any mine, the operator thereof shall forthwith give notice 1599
thereof to the chief of the division of mineral resources 1600
management, and to the deputy mine inspector in charge of the 1601
district. Such notice shall be given by telephone or ~~telegraph~~ 1602
electronic format. The operator of such mine shall, within 1603
twenty-four hours after such accident causing loss of life, send a 1604
written report of the accident to the chief. Such written report 1605
shall specify the character and cause of the accident, the names 1606
of the persons killed, and the nature of the injuries that caused 1607
death. In the case of injury thereafter resulting in death, the 1608
operator shall send a written notice thereof to the chief, and to 1609
the deputy mine inspector of such district, at such time as such 1610
death comes to the operator's knowledge. 1611

No operator of a mine shall refuse or neglect to comply with 1612
this section. 1613

Sec. 1571.05. (A) Whenever any part of a gas storage 1614
reservoir or any part of its protective area underlies any part of 1615
a coal mine, or is, or within nine months is expected or intended 1616
to be, within two thousand linear feet of the boundary of a coal 1617
mine that is operating in a coal seam any part of which extends 1618
over any part of the storage reservoir or its protective area, the 1619
operator of the reservoir, if the reservoir operator or some other 1620
reservoir operator has not theretofore done so, shall: 1621

(1) Use every known method that is reasonable under the 1622
circumstance for discovering and locating all wells drilled within 1623
the area of the reservoir or its protective area that underlie any 1624
part of the coal mine or its protective area; 1625

(2) Plug or recondition all known wells drilled within the 1626
area of the reservoir or its protective area that underlie any 1627
part of the coal mine. 1628

(B) Whenever an operator of a gas storage reservoir is notified by the operator of a coal mine, as provided in division (B) of section 1571.03 of the Revised Code, that the coal mine operator believes that part of the boundary of the mine is within two thousand linear feet of a well that is drilled through the horizon of the coal mine and into or through the storage stratum or strata of the reservoir within the boundary of the reservoir or within its protective area, the reservoir operator shall plug or recondition the well as in this section prescribed, unless it is agreed in a conference or is ordered by the chief of the division of oil and gas resources management after a hearing, as provided in section 1571.10 of the Revised Code, that the well referred to in the notice is not such a well as is described in division (B) of section 1571.03 of the Revised Code.

Whenever an operator of a gas storage reservoir is notified by the operator of a coal mine as provided in division (C) or (D) of section 1571.03 of the Revised Code, that part of the boundary of the mine is, or within nine months is intended or expected to be, within two thousand linear feet of a well that is drilled through the horizon of the mine and into or through the storage stratum or strata of the reservoir within the boundary of the reservoir or within its protective area, the reservoir operator shall plug or recondition the well as in this section prescribed.

Whenever the operator of a coal mine considers that the use of a well such as in this section described, if used for injecting gas into, or storing gas in, or removing gas from, a gas storage reservoir, would be hazardous to the safety of persons or property on or in the vicinity of the premises of the coal mine or the reservoir or well, the coal mine operator may file with the division objections to the use of the well for such purposes, and a request that a conference be held as provided in section 1571.10

of the Revised Code, to discuss and endeavor to resolve by mutual agreement whether or not the well shall or shall not be used for such purposes, and whether or not the well shall be reconditioned, inactivated, or plugged. The request shall set forth the mine operator's reasons for such objections. If no approved agreement is reached in the conference, the gas storage well inspector shall within ten days after the termination of the conference, file with the chief a request that the chief hear and determine the matters considered at the conference as provided in section 1571.10 of the Revised Code. Upon conclusion of the hearing, the chief shall find and determine whether or not the safety of persons or of the property on or in the vicinity of the premises of the coal mine, or the reservoir, or the well requires that the well be reconditioned, inactivated, or plugged, and shall make an order consistent with that determination, provided that the chief shall not order a well plugged unless the chief first finds that there is underground leakage of gas therefrom.

The plugging or reconditioning of each well described in a notice from a coal mine operator to a reservoir operator as provided in division (B) of section 1571.03 of the Revised Code, which must be plugged or reconditioned, shall be completed within such time as the gas storage well inspector may fix in the case of each such well. The plugging or reconditioning of each well described in a notice from a coal mine operator to a reservoir operator as provided in division (C) of section 1571.03 of the Revised Code, which must be plugged or reconditioned, shall be completed by the time the well, by reason of the extension of the boundary of the coal mine, is within two thousand linear feet of any part of the boundary of the mine. The plugging or reconditioning of each well described in a notice from a coal mine operator to a reservoir operator, as provided in division (D) of

section 1571.03 of the Revised Code, which must be plugged or
reconditioned, shall be completed by the time the well, by reason
of the opening of the new mine, is within two thousand linear feet
of any part of the boundary of the new mine. A reservoir operator
who is required to complete the plugging or reconditioning of a
well within a period of time fixed as in this division prescribed,
may prior to the end of that period of time, notify the division
and the mine operator from whom the reservoir operator received a
notice as provided in division (B), (C), or (D) of section 1571.03
of the Revised Code, in writing by ~~registered~~ certified mail or
electronic format, that the completion of the plugging or
reconditioning of the well referred to in the notice will be
delayed beyond the end of the period of time fixed therefor as in
this section provided, and that the reservoir operator requests
that a conference be held for the purpose of endeavoring to reach
an agreement establishing a date subsequent to the end of that
period of time, on or before which the reservoir operator may
complete the plugging or reconditioning without incurring any
penalties for failure to do so as provided in this chapter. If
such a reservoir operator sends to such a mine operator and to the
division a notice and request for a conference as in this division
provided, the reservoir operator shall not incur any penalties for
failure to complete the plugging or reconditioning of the well
within the period of time fixed as in this division prescribed,
unless the reservoir operator fails to complete the plugging or
reconditioning of the well within the period of time fixed by an
approved agreement reached in the conference, or fixed by an order
by the chief upon a hearing held in the matter in the event of
failure to reach an approved agreement in the conference.

Whenever, in compliance with this division, a well is to be
plugged by a reservoir operator, the operator shall give to the

division notice thereof, as many days in advance as will be 1722
 necessary for the gas storage well inspector or a deputy mine 1723
 inspector to be present at the plugging. The notification shall be 1724
 made on blanks furnished by the division and shall show the 1725
 following information: 1726

(1) Name and address of the applicant; 1727

(2) The location of the well identified by section or lot 1728
 number, city or village, and township and county; 1729

(3) The well name and number of each well to be plugged. 1730

(C) The operator shall give written notice at the same time 1731
 to the owner of the land upon which the well is located, the 1732
 owners or agents of the adjoining land, and adjoining well owners 1733
 or agents of the operator's intention to abandon the well, and of 1734
 the time when the operator will be prepared to commence plugging 1735
 and filling the same. In addition to giving such notices, the 1736
 reservoir operator shall also at the same time send a copy of the 1737
 notice by ~~registered~~ certified mail or electronic format to the 1738
 coal mine operator, if any, who sent to the reservoir operator the 1739
 notice as provided in division (B), (C), or (D) of section 1571.03 1740
 of the Revised Code, in order that the coal mine operator or the 1741
 coal mine operator's designated representative may attend and 1742
 observe the manner in which the plugging of the well is done. 1743

If the reservoir operator plugs the well without the gas 1744
 storage well inspector or a deputy mine inspector being present to 1745
 supervise the plugging, the reservoir operator shall send to the 1746
 division and to the coal mine operator a copy of the report of the 1747
 plugging of the well, including in the report: 1748

(1) The date of abandonment; 1749

(2) The name of the owner or operator of the well at the time 1750

of abandonment and the well owner's or operator's post office	1751
address;	1752
(3) The location of the well as to township and county and	1753
the name of the owner of the surface upon which the well is	1754
drilled, with the address thereof;	1755
(4) The date of the permit to drill;	1756
(5) The date when drilled;	1757
(6) Whether the well has been mapped;	1758
(7) The depth of the well;	1759
(8) The depth of the top of the sand to which the well was	1760
drilled;	1761
(9) The depth of each seam of coal drilled through;	1762
(10) A detailed report as to how the well was plugged, giving	1763
in particular the manner in which the coal and various sands were	1764
plugged, and the date of the plugging of the well, including	1765
therein the names of those who witnessed the plugging of the well.	1766
The report shall be signed by the operator or the operator's	1767
agent who plugged the well and verified by the oath of the party	1768
so signing. For the purposes of this section, a deputy mine	1769
inspector may take acknowledgements and administer oaths to the	1770
parties signing the report.	1771
Whenever, in compliance with this division, a well is to be	1772
reconditioned by a reservoir operator, the operator shall give to	1773
the division notice thereof as many days before the reconditioning	1774
is begun as will be necessary for the gas storage well inspector,	1775
or a deputy mine inspector, to be present at the reconditioning.	1776
No well shall be reconditioned if an inspector of the division is	1777
not present unless permission to do so has been granted by the	1778

chief. The reservoir operator, at the time of giving notice to the
division as in this section required, also shall send a copy of
the notice by ~~registered~~ certified mail or electronic format to
the coal mine operator, if any, who sent to the reservoir operator
the notice as provided in division (B), (C), or (D) of section
1571.03 of the Revised Code, in order that the coal mine operator
or the coal mine operator's designated representative may attend
and observe the manner in which the reconditioning of the well is
done.

If the reservoir operator reconditions the well when the gas
storage well inspector or a deputy mine inspector is not present
to supervise the reconditioning, the reservoir operator shall make
written report to the division describing the manner in which the
reconditioning was done, and shall send to the coal mine operator
a copy of the report by ~~registered~~ certified mail or electronic
format.

(D) Wells that are required by this section to be plugged
shall be plugged in the manner specified in sections 1509.13 to
1509.17 of the Revised Code, and the operator shall give the
notifications and reports required by divisions (B) and (C) of
this section. No such well shall be plugged or abandoned without
the written approval of the division, and no such well shall be
mudded, plugged, or abandoned without the gas storage well
inspector or a deputy mine inspector present unless written
permission has been granted by the chief or the gas storage well
inspector. For purposes of this section, the chief of the division
of mineral resources management has the authority given the chief
of the division of oil and gas resources management in sections
1509.15 and 1509.17 of the Revised Code. If such a well has been
plugged prior to the time plugging thereof is required by this
section, and, on the basis of the data, information, and other

evidence available it is determined that the plugging was done in 1810
the manner required by this section, or was done in accordance 1811
with statutes prescribing the manner of plugging wells in effect 1812
at the time the plugging was done, and that there is no evidence 1813
of leakage of gas from the well either at or below the surface, 1814
and that the plugging is sufficiently effective to prevent the 1815
leakage of gas from the well, the obligations imposed upon the 1816
reservoir operator by this section as to plugging the well shall 1817
be considered fully satisfied. The operator of a coal mine any 1818
part of the boundary of which is, or within nine months is 1819
expected or intended to be, within two thousand linear feet of the 1820
well may at any time raise a question as to whether the plugging 1821
of the well is sufficiently effective to prevent the leakage of 1822
gas therefrom, and the issue so made shall be determined by a 1823
conference or hearing as provided in section 1571.10 of the 1824
Revised Code. 1825

(E) Wells that are to be reconditioned as required by this 1826
section shall be, or shall be made to be: 1827

(1) Cased in accordance with the statutes of this state in 1828
effect at the time the wells were drilled, with the casing being, 1829
or made to be, sufficiently effective in that there is no evidence 1830
of any leakage of gas therefrom; 1831

(2) Equipped with a producing string and well head composed 1832
of new pipe, or pipe as good as new, and fittings designed to 1833
operate with safety and to contain the stored gas at maximum 1834
pressures contemplated. 1835

When a well that is to be reconditioned as required by this 1836
section has been reconditioned for use in the operation of the 1837
reservoir prior to the time prescribed in this section, and on the 1838
basis of the data, information, and other evidence available it is 1839

determined that at the time the well was so reconditioned the requirements prescribed in this division were met, and that there is no evidence of underground leakage of gas from the well, and that the reconditioning is sufficiently effective to prevent underground leakage from the well, the obligations imposed upon the reservoir operator by this section as to reconditioning the well shall be considered fully satisfied. Any operator of a coal mine any part of the boundary of which is, or within nine months is expected or intended to be, within two thousand linear feet of the well may at any time raise a question as to whether the reconditioning of the well is sufficiently effective to prevent underground leakage of gas therefrom, and the issue so made shall be determined by a conference or hearing as provided in section 1571.10 of the Revised Code.

If the gas storage well inspector at any time finds that a well that is drilled through the horizon of a coal mine and into or through the storage stratum or strata of a reservoir within the boundary of the reservoir or within its protective area is located within the boundary of the coal mine or within two thousand linear feet of the mine boundary, and was drilled prior to the time the statutes of this state required that wells be cased, and that the well fails to meet the casing and equipping requirements prescribed in this division, the gas storage well inspector shall promptly notify the operator of the reservoir thereof in writing, and the reservoir operator upon receipt of the notice shall promptly recondition the well in the manner prescribed in this division for reconditioning wells, unless, in a conference or hearing as provided in section 1571.10 of the Revised Code, a different course of action is agreed upon or ordered.

(F)(1) When a well within the boundary of a gas storage reservoir or within the reservoir's protective area penetrates the

storage stratum or strata of the reservoir, but does not penetrate 1871
the coal seam within the boundary of a coal mine, the gas storage 1872
well inspector may, upon application of the operator of the 1873
storage reservoir, exempt the well from the requirements of this 1874
section. Either party affected by the action of the gas storage 1875
well inspector may request a conference and hearing with respect 1876
to the exemption. 1877

(2) When a well located within the boundary of a storage 1878
reservoir or a reservoir's protective area is a producing well in 1879
a stratum above or below the storage stratum, the obligations 1880
imposed by this section shall not begin until the well ceases to 1881
be a producing well. 1882

(G) When retreat mining reaches a point in a coal mine when 1883
the operator of the mine expects that within ninety days retreat 1884
work will be at the location of a pillar surrounding an active 1885
storage reservoir well, the operator of the mine shall promptly 1886
send by ~~registered~~ certified mail or electronic format notice to 1887
that effect to the operator of the reservoir. Thereupon the 1888
operators may by agreement determine whether it is necessary or 1889
advisable to temporarily inactivate the well. If inactivated, the 1890
well shall not be reactivated until a reasonable period of time 1891
has elapsed, such period of time to be determined by agreement by 1892
the operators. In the event that the parties cannot agree upon 1893
either of the foregoing matters, the question shall be submitted 1894
to the gas storage well inspector for a conference in accordance 1895
with section 1571.10 of the Revised Code. 1896

(H)(1) The provisions of this section that require the 1897
plugging or reconditioning of wells shall not apply to such wells 1898
as are used to inject gas into, store gas in, or remove gas from a 1899
gas storage reservoir when the sole purpose of the injection, 1900

storage, or removal is testing. The operator of a gas storage 1901
 reservoir who injects gas into, stores gas in, or removes gas from 1902
 a reservoir for the sole purpose of testing shall be subject to 1903
 all other provisions of this chapter that are applicable to 1904
 operators of reservoirs. 1905

(2) If the injection of gas into, or storage of gas in, a gas 1906
 storage reservoir any part of which, or of the protective area of 1907
 which, is within the boundary of a coal mine is begun after 1908
 September 9, 1957, and if the injection or storage of gas is for 1909
 the sole purpose of testing, the operator of the reservoir shall 1910
 send by ~~registered~~ certified mail or electronic format to the 1911
 operator of the coal mine, the division of oil and gas resources 1912
 management, and the division of mineral resources management at 1913
 least sixty days' notice of the date upon which the testing will 1914
 be begun. 1915

If at any time within the period of time during which testing 1916
 of a reservoir is in progress, any part of the reservoir or of its 1917
 protective area comes within any part of the boundary of a coal 1918
 mine, the operator of the reservoir shall promptly send notice to 1919
 that effect by ~~registered~~ certified mail or electronic format to 1920
 the operator of the mine, the division of oil and gas resources 1921
 management, and the division of mineral resources management. 1922

(3) Any coal mine operator who receives a notice as provided 1923
 for in division (H)(2) of this section may within thirty days of 1924
 the receipt thereof file with the division objections to the 1925
 testing. The gas storage well inspector also may, within the time 1926
 within which a coal mine operator may file an objection, place in 1927
 the files of the division objections to the testing. The reservoir 1928
 operator shall comply throughout the period of the testing 1929
 operations with all conditions and requirements agreed upon and 1930

approved in the conference on such objections conducted as 1931
 provided in section 1571.10 of the Revised Code, or in an order 1932
 made by the chief following a hearing in the matter as provided in 1933
 section 1571.10 of the Revised Code. If in complying with the 1934
 agreement or order either the reservoir operator or the coal mine 1935
 operator encounters or discovers conditions that were not known to 1936
 exist at the time of the conference or hearing and that materially 1937
 affect the agreement or order, or the ability of the reservoir 1938
 operator to comply therewith, either operator may apply for a 1939
 rehearing or modification of the order. 1940

(I) In addition to complying with all other provisions of 1941
 this chapter and any lawful orders issued thereunder, the operator 1942
 of each gas storage reservoir shall keep all wells drilled into or 1943
 through the storage stratum or strata within the boundary of the 1944
 operator's reservoir or within the reservoir's protective area in 1945
 such condition, and operate the same in such manner, as to prevent 1946
 the escape of gas therefrom into any coal mine, and shall operate 1947
 and maintain the storage reservoir and its facilities in such 1948
 manner and at such pressures as will prevent gas from escaping 1949
 from the reservoir or its facilities into any coal mine. 1950

Sec. 1571.08. (A) Whenever in this chapter, the method or 1951
 material to be used in discharging any obligations imposed by this 1952
 chapter is specified, an alternative method or material may be 1953
 used if approved by the gas storage well inspector or the chief of 1954
 the division of oil and gas resources management. A person 1955
 desiring to use such alternative method or material shall file 1956
 with the division of oil and gas resources management an 1957
 application for permission to do so. Such application shall 1958
 describe such alternative method or material in reasonable detail. 1959
 The gas storage well inspector shall promptly send by ~~registered~~ 1960

certified mail or electronic format notice of the filing of such application to any coal mine operator or reservoir operator whose mine or reservoir may be directly affected thereby. Any such coal mine operator or reservoir operator may within ten days following receipt of such notice, file with the division objections to such application. The gas storage well inspector may also file with the division an objection to such application at any time during which coal mine operators or reservoir operators are permitted to file objections. If no objections are filed within the ten-day period of time, the gas storage well inspector shall thereupon issue a permit approving the use of such alternative method or material. If any such objections are filed by any coal mine operator or reservoir operator, or by the gas storage well inspector, the question as to whether or not the use of such alternative method or material, or a modification thereof is approved, shall be determined by a conference or hearing as provided in section 1571.10 of the Revised Code.

(B) Whenever in this chapter, provision is made for the filing of objections with the division, such objections shall be in writing and shall state as definitely as is reasonably possible the reasons for such objections. Upon the filing of any such objection the gas storage well inspector shall promptly fix the time and place for holding a conference for the purpose of discussing and endeavoring to resolve by mutual agreement the issue raised by such objection. The gas storage well inspector shall send written notice thereof by ~~registered~~ certified mail or electronic format to each person having a direct interest therein. Thereupon the issue made by such objection shall be determined by a conference or hearing in accordance with the procedures for conferences and hearings as provided in section 1571.10 of the Revised Code.

Sec. 1571.10. (A) The gas storage well inspector or any 1992
 person having a direct interest in the administration of this 1993
 chapter may at any time file with the division of oil and gas 1994
 resources management a written request that a conference be held 1995
 for the purpose of discussing and endeavoring to resolve by mutual 1996
 agreement any question or issue relating to the administration of 1997
 this chapter, or to compliance with its provisions, or to any 1998
 violation thereof. Such request shall describe the matter 1999
 concerning which the conference is requested. Thereupon the gas 2000
 storage well inspector shall promptly fix the time and place for 2001
 the holding of such conference and shall send written notice 2002
 thereof to each person having a direct interest therein. At such 2003
 conference the gas storage well inspector or a representative of 2004
 the division designated by the gas storage well inspector shall be 2005
 in attendance, and shall preside at the conference, and the gas 2006
 storage well inspector or designated representative may make such 2007
 recommendations as the gas storage well inspector or designated 2008
 representative deems proper. Any agreement reached at such 2009
 conference shall be consistent with the requirements of this 2010
 chapter and, if approved by the gas storage well inspector, it 2011
 shall be reduced to writing and shall be effective. Any such 2012
 agreement approved by the gas storage well inspector shall be kept 2013
 on file in the division and a copy thereof shall be furnished to 2014
 each of the persons having a direct interest therein. The 2015
 conference shall be deemed terminated as of the date an approved 2016
 agreement is reached or when any person having a direct interest 2017
 therein refuses to confer thereafter. Such a conference shall be 2018
 held in all cases prior to the holding of a hearing as provided in 2019
 this section. 2020

(B) Within ten days after the termination of a conference at 2021

which no approved agreement is reached, any person who 2022
participated in such conference and who has a direct interest in 2023
the subject matter thereof, or the gas storage well inspector, may 2024
file with the chief of the division of oil and gas resources 2025
management a request that the chief hear and determine the matter 2026
or matters, or any part thereof considered at the conference. 2027
Thereupon the chief shall promptly fix the time and place for the 2028
holding of such hearing and shall send written notice thereof to 2029
each person having a direct interest therein. The form of the 2030
request for such hearing and the conduct of the hearing shall be 2031
in accordance with rules that the chief adopts under section 2032
1571.11 of the Revised Code. Consistent with the requirement for 2033
reasonable notice each such hearing shall be held promptly after 2034
the filing of the request therefor. Any person having a direct 2035
interest in the matter to be heard shall be entitled to appear and 2036
be heard in person or by attorney. The division may present at 2037
such hearing any evidence that is material to the matter being 2038
heard and that has come to the division's attention in any 2039
investigation or inspection made pursuant to this chapter. 2040

(C) For the purpose of conducting such a hearing the chief 2041
may require the attendance of witnesses and the production of 2042
books, records, and papers, and the chief may, and at the request 2043
of any person having a direct interest in the matter being heard, 2044
the chief shall, issue subpoenas for witnesses or subpoenas duces 2045
tecum to compel the production of any books, records, or papers, 2046
directed to the sheriffs of the counties where such witnesses are 2047
found, which subpoenas shall be served and returned in the same 2048
manner as subpoenas in criminal cases are served and returned. The 2049
fees of sheriffs shall be the same as those allowed by the court 2050
of common pleas in criminal cases. Witnesses shall be paid the 2051
fees and mileage provided for under section 119.094 of the Revised 2052

Code. Such fee and mileage expenses shall be paid in advance by
the persons at whose request they are incurred, and the remainder
of such expenses shall be paid out of funds appropriated for the
expenses of the division.

In case of disobedience or neglect of any subpoena served on
any person, or the refusal of any witness to testify to any matter
regarding which the witness may be lawfully interrogated, the
court of common pleas of the county in which such disobedience,
neglect, or refusal occurs, or any judge thereof, on application
of the chief, shall compel obedience by attachment proceedings for
contempt as in the case of disobedience of the requirements of a
subpoena issued from such court or a refusal to testify therein.
Witnesses at such hearings shall testify under oath, and the chief
may administer oaths or affirmations to persons who so testify.

(D) With the consent of the chief, the testimony of any
witness may be taken by deposition at the instance of a party to
any hearing before the chief at any time after hearing has been
formally commenced. The chief may, of the chief's own motion,
order testimony to be taken by deposition at any stage in any
hearing, proceeding, or investigation pending before the chief.
Such deposition shall be taken in the manner prescribed by the
laws of this state for taking depositions in civil cases in courts
of record.

(E) After the conclusion of a hearing the chief shall make a
determination and finding of facts. Every adjudication,
determination, or finding by the chief shall be made by written
order and shall contain a written finding by the chief of the
facts upon which the adjudication, determination, or finding is
based. Notice of the making of such order shall be given to the
persons whose rights, duties, or privileges are affected thereby,

by sending a certified copy thereof by ~~registered~~ certified mail 2083
or electronic format to each of such persons. 2084

Adjudications, determinations, findings, and orders made by 2085
the chief shall not be governed by, or be subject to, Chapter 119. 2086
of the Revised Code. 2087

Sec. 1571.14. Any person claiming to be aggrieved or 2088
adversely affected by an order of the chief of the division of oil 2089
and gas resources management made as provided in section 1571.10 2090
or 1571.16 of the Revised Code may appeal to the director of 2091
natural resources for an order vacating or modifying such order. 2092
Upon receipt of the appeal, the director shall appoint an 2093
individual who has knowledge of the laws and rules regarding the 2094
underground storage of gas and who shall act as a hearing officer 2095
in accordance with Chapter 119. of the Revised Code in hearing the 2096
appeal. 2097

The person appealing to the director shall be known as 2098
appellant and the chief shall be known as appellee. The appellant 2099
and the appellee shall be deemed parties to the appeal. 2100

The appeal shall be in writing and shall set forth the order 2101
complained of and the grounds upon which the appeal is based. The 2102
appeal shall be filed with the director within thirty days after 2103
the date upon which appellant received notice by ~~registered~~ 2104
certified mail or electronic format of the making of the order 2105
complained of, as required by section 1571.10 of the Revised Code. 2106
Notice of the filing of such appeal shall be delivered by 2107
appellant to the chief within three days after the appeal is filed 2108
with the director. 2109

Within seven days after receipt of the notice of appeal the 2110
chief shall prepare and certify to the director at the expense of 2111

appellant a complete transcript of the proceedings out of which 2112
the appeal arises, including a transcript of the testimony 2113
submitted to the chief. 2114

Upon the filing of the appeal the director shall fix the time 2115
and place at which the hearing on the appeal will be held, and 2116
shall give appellant and the chief at least ten days' written 2117
notice thereof by mail. The director may postpone or continue any 2118
hearing upon the director's own motion or upon application of 2119
appellant or of the chief. 2120

The filing of an appeal provided for in this section does not 2121
automatically suspend or stay execution of the order appealed 2122
from, but upon application by the appellant the director may 2123
suspend or stay such execution pending determination of the appeal 2124
upon such terms as the director deems proper. 2125

The hearing officer appointed by the director shall hear the 2126
appeal de novo, and either party to the appeal may submit such 2127
evidence as the hearing officer deems admissible. 2128

For the purpose of conducting a hearing on an appeal, the 2129
hearing officer may require the attendance of witnesses and the 2130
production of books, records, and papers, and may, and at the 2131
request of any party shall, issue subpoenas for witnesses or 2132
subpoenas duces tecum to compel the production of any books, 2133
records, or papers, directed to the sheriffs of the counties where 2134
such witnesses are found, which subpoenas shall be served and 2135
returned in the same manner as subpoenas in criminal cases are 2136
served and returned. The fees of sheriffs shall be the same as 2137
those allowed by the court of common pleas in criminal cases. 2138
Witnesses shall be paid the fees and mileage provided for under 2139
section 119.094 of the Revised Code. Such fee and mileage expenses 2140
incurred at the request of appellant shall be paid in advance by 2141

appellant, and the remainder of such expenses shall be paid out of 2142
funds appropriated for the expenses of the division of oil and gas 2143
resources management. 2144

In case of disobedience or neglect of any subpoena served on 2145
any person, or the refusal of any witness to testify to any matter 2146
regarding which the witness may be lawfully interrogated, the 2147
court of common pleas of the county in which such disobedience, 2148
neglect, or refusal occurs, or any judge thereof, on application 2149
of the director, shall compel obedience by attachment proceedings 2150
for contempt as in the case of disobedience of the requirements of 2151
a subpoena issued from such court or a refusal to testify therein. 2152
Witnesses at such hearings shall testify under oath, and the 2153
hearing officer may administer oaths or affirmations to persons 2154
who so testify. 2155

At the request of any party to the appeal, a record of the 2156
testimony and other evidence submitted shall be taken by an 2157
official court reporter at the expense of the party making the 2158
request for the record. The record shall include all of the 2159
testimony and other evidence and the rulings on the admissibility 2160
thereof presented at the hearing. The hearing officer shall pass 2161
upon the admissibility of evidence, but any party may at the time 2162
object to the admission of any evidence and except to the ruling 2163
of the hearing officer thereon, and if the hearing officer refuses 2164
to admit evidence, the party offering same may make a proffer 2165
thereof, and such proffer shall be made a part of the record of 2166
such hearing. 2167

If upon completion of the hearing the hearing officer finds 2168
that the order appealed from was lawful and reasonable, the 2169
hearing officer shall make a written order affirming the order 2170
appealed from. If the hearing officer finds that such order was 2171

unreasonable or unlawful, the hearing officer shall make a written order vacating the order appealed from and making the order that it finds the chief should have made. Every order made by the hearing officer shall contain a written finding by the hearing officer of the facts upon which the order is based. Notice of the making of such order shall be given forthwith to each party to the appeal by mailing a certified copy thereof to each such party by ~~registered~~ certified mail or electronic format.

Sec. 1571.15. Any party adversely affected by an order of the hearing officer under section 1571.14 of the Revised Code may appeal to the court of common pleas of any county in which the well, or part of the gas storage reservoir, or part of the coal mine, involved in the order of the hearing officer which is being appealed, is located. Any party desiring to so appeal shall file with the director of natural resources a notice of appeal designating the order appealed from and stating whether the appeal is taken on questions of law or questions of law and fact. A copy of such notice shall also be filed by appellant with the court and shall be mailed or otherwise delivered to appellee. The notice shall be filed and mailed or otherwise delivered within thirty days after the date upon which appellant received notice from the hearing officer by ~~registered~~ certified mail or electronic format of the making of the order appealed from. No appeal bond shall be required to make either an appeal on questions of law or an appeal on questions of law and fact effective.

The filing of a notice of appeal shall not automatically operate as a suspension of the order of the hearing officer. If it appears to the court that an unjust hardship to the appellant will result from the execution of the hearing officer's order pending determination of the appeal, the court may grant a suspension of

such order and fix its terms.

2202

Within fifteen days after receipt of the notice of appeal the hearing officer shall prepare and file in the court the complete record of proceedings out of which the appeal arises, including a transcript of the testimony and other evidence which has been submitted before ~~him~~ the hearing officer. The expense of preparing and transcribing such record shall be taxed as a part of the costs of the appeal. Appellant shall provide security for costs satisfactory to the court. Upon demand by a party the director shall furnish at the cost of the party requesting the same a copy of such record. In the event such complete record is not filed in the court within the time provided for in this section either party may apply to the court to have the case docketed, and the court shall order such record filed.

2203

2204

2205

2206

2207

2208

2209

2210

2211

2212

2213

2214

2215

Appeals taken on questions of law shall be heard upon assignments of error filed in the cause or set out in the briefs of the appellant before the hearing. Errors not argued by brief may be disregarded, but the court may consider and decide errors which are not assigned or argued. Failure to file such briefs and assignments of error within the time prescribed by the court's rules shall be a cause for dismissal of such appeal.

2216

2217

2218

2219

2220

2221

2222

In appeals taken on questions of law and fact, the hearing in the court shall be a hearing de novo of the appeal heard by the hearing officer in which the order appealed from was made. In such hearings any party may offer as evidence any part of the record of the proceedings out of which the appeal arises, certified to the court as provided for in this section, and any other evidence which the court deems admissible.

2223

2224

2225

2226

2227

2228

2229

If the court finds that the order of the hearing officer appealed from was lawful and reasonable, it shall affirm such

2230

2231

order. If the court finds that such order was unreasonable or 2232
 unlawful, it shall vacate such order and make the order which it 2233
 finds the hearing officer should have made. The judgment of the 2234
 court is final unless reversed, vacated, or modified on appeal as 2235
 in civil actions. 2236

Sec. 1571.16. (A) The gas storage well inspector or any 2237
 person having a direct interest in the subject matter of this 2238
 chapter may file with the division of oil and gas resources 2239
 management a complaint in writing stating that a person is 2240
 violating, or is about to violate, a provision or provisions of 2241
 this chapter, or has done, or is about to do, an act, matter, or 2242
 thing therein prohibited or declared to be unlawful, or has 2243
 failed, omitted, neglected, or refused, or is about to fail, omit, 2244
 neglect, or refuse, to perform a duty enjoined upon the person by 2245
 this chapter. Upon the filing of such a complaint, the chief of 2246
 the division of oil and gas resources management shall promptly 2247
 fix the time for the holding of a hearing on such complaint and 2248
 shall send by ~~registered~~ certified mail or electronic format to 2249
 the person so complained of, a copy of such complaint together 2250
 with at least five days' notice of the time and place at which 2251
 such hearing will be held. Such notice of such hearing shall also 2252
 be given to all persons having a direct interest in the matters 2253
 complained of in such complaint. Such hearing shall be conducted 2254
 in the same manner, and the chief and persons having a direct 2255
 interest in the matter being heard, shall have the same powers, 2256
 rights, and duties as provided in divisions (B), (C), (D), and (E) 2257
 of section 1571.10 of the Revised Code, in connection with 2258
 hearings by the chief, provided that if after conclusion of the 2259
 hearing the chief finds that the charges against the person 2260
 complained of, as stated in such complaint, have not been 2261

sustained by a preponderance of evidence, the chief shall make an order dismissing the complaint, and if the chief finds that the charges have been so sustained, the chief shall by appropriate order require compliance with those provisions.

(B) Whenever the chief is of the opinion that any person is violating, or is about to violate, any provision of this chapter, or has done, or is about to do, any act, matter, or thing therein prohibited or declared to be unlawful, or has failed, omitted, neglected, or refused, or is about to fail, omit, neglect, or refuse, to perform any duty enjoined upon the person by this chapter, or has failed, omitted, neglected, or refused, or is about to fail, omit, neglect, or refuse, to obey any lawful requirement or order made by the chief, or any final judgment, order, or decree made by any court pursuant to this chapter, then and in every such case, the chief may institute in a court of competent jurisdiction of the county or counties wherein the operation is situated, an action to enjoin or restrain such violations or to enforce obedience with law or the orders of the chief. No injunction bond shall be required to be filed in any such proceeding. Such persons or corporations as the court may deem necessary or proper to be joined as parties in order to make its judgment, order, or writ effective may be joined as parties. An appeal may be taken as in other civil actions.

(C) In addition to the other remedies as provided in divisions (A) and (B) of this section, any reservoir operator or coal mine operator affected by this chapter may proceed by injunction or other appropriate remedy to restrain violations or threatened violations of this chapter or of orders of the chief, or of the hearing officer appointed under section 1571.14 of the Revised Code, or the judgments, orders, or decrees of any court or to enforce obedience therewith.

(D) Each remedy prescribed in divisions (A), (B), and (C) of this section is deemed concurrent or contemporaneous with each other remedy prescribed therein, and the existence or exercise of any one such remedy shall not prevent the exercise of any other such remedy.

(E) The provisions of this chapter providing for conferences, hearings by the chief, appeals to the hearing officer from orders of the chief, and appeals to the court of common pleas from orders of the hearing officer, and the remedies prescribed in divisions (A), (B), (C), and (D) of this section, do not constitute the exclusive procedure that a person, who deems the person's rights to be unlawfully affected by any official action taken thereunder, must pursue in order to protect and preserve such rights, nor does this chapter constitute a procedure that such a person must pursue before the person may lawfully proceed by other actions, legal or equitable, to protect and preserve such rights.

Sec. 1707.02. (A) "Exempt," as used in this section, means exempt from sections 1707.08 to 1707.11 and 1707.39 of the Revised Code.

(B)(1) Except as provided in division (B)(2) of this section, the following securities are exempt, if the issuer or guarantor has the power of taxation or assessment for the purpose of paying the obligation represented by the security, or is in specific terms empowered by the laws of the state of issuance to issue securities payable as to principal or interest, or as to both, out of revenues collected or administered by such issuer:

(a) Any security issued or guaranteed by the United States;

(b) Any security issued or guaranteed by, and recognized, at the time of sale, as its valid obligation by, any foreign

government with which the United States is, at the time of sale, 2322
 maintaining diplomatic relations; 2323

(c) Any security issued or guaranteed, and recognized as its 2324
 valid obligation, by any political subdivision or any governmental 2325
 or other public body, corporation, or agency in or of the United 2326
 States, any state, territory, or possession of the United States, 2327
 or any foreign government with which the United States is, at the 2328
 time of sale, maintaining diplomatic relations. 2329

(2) If a security described in division (B)(1) of this 2330
 section is not payable out of the proceeds of a general tax, the 2331
 security is exempt only if, at the time of its first sale in this 2332
 state, there is no default in the payment of any of the interest 2333
 or principal of the security, and there are no adjudications or 2334
 pending suits adversely affecting its validity. 2335

(C) Any security issued or guaranteed by a state or 2336
 nationally chartered bank, savings and loan association, savings 2337
 bank, or credit union, or a governmental corporation or agency 2338
 created by or under the laws of the United States or of Canada is 2339
 exempt, if it is under the supervision of or subject to regulation 2340
 by the government or state under whose laws it was organized. 2341

(D) Any interim certificate is exempt, if the securities to 2342
 be delivered therefor are themselves exempt, are the subject 2343
 matter of an exempt transaction, have been registered by 2344
 description or registered by qualification, or are the subject 2345
 matter of a transaction which has been registered by description. 2346

(E)(1) A security is exempt if it meets any of the following 2347
 requirements: 2348

(a) The security is listed, or authorized for listing, on the 2349
 New York stock exchange, the American stock exchange, or the 2350

national market system of the NASDAQ stock market, or any
successor to such entities.

(b) The security is listed, or authorized for listing, on a
national securities exchange or system, or on a tier or segment of
such exchange or system, designated by the securities and exchange
commission in rule 146(b) promulgated under section 18(b)(1) of
the Securities Act of 1933.

(c) The security is listed, or authorized for listing, on a
national securities exchange or system, or on a tier or segment of
such exchange or system, that has listing standards that the
division of securities, on its own initiative or on the basis of
an application, determines by rule are substantially similar to
the listing standards applicable to securities described in
division (E)(1)(a) of this section.

(d) The security is a security of the same issuer that is
equal in seniority or that is a senior security to a security
described in division (E)(1)(a), (b), or (c) of this section.

(2) Application for approval of a stock exchange or system
not approved in this section may be made by any organized stock
exchange or system, or by any dealer who is a member of such
exchange, in such manner and upon such forms as are prescribed by
the division, accompanied by payment of an approval fee of two
hundred dollars, and the division shall make such investigation
and may hold such hearings as it deems necessary to determine the
propriety of giving approval. The cost of such investigation shall
be borne by the applicant. The division may enter an order of
approval, and if it does so, it shall notify the applicant of such
approval.

(3) The division may revoke the approval of an exchange or
system enumerated in division (E)(1) of this section, provided

that the exchange or system is not listed in section 18(b)(1) of
the Securities Act of 1933 or any rule promulgated thereunder. The
division may effect a revocation after due notice, investigation,
a hearing, and a finding that the practices or requirements of
such exchange or system have been so changed or modified, or are,
in their actual operation, such that the contemplated protection
is no longer afforded. The principles of res adjudicata ordinarily
applicable in civil matters shall not be applicable to this
matter, which is hereby declared to be administrative rather than
judicial. Notice of the hearing may be given by ~~certified~~
electronic mail at least ten days before such hearing.

(4) The division may suspend the exemption of any security
described in division (E)(1) of this section, provided that the
security is listed or authorized for listing on an exchange or
system that is not listed in section 18(b)(1) of the Securities
Act of 1933 or any rule promulgated thereunder. The division may
effect a suspension by giving notice, by ~~certified~~ electronic
mail, to that effect to the exchange or system upon which such
security is listed or designated and to the issuer of such
security. After notice and hearing, the division may revoke such
exemption if it appears to it that sales of such security have
been fraudulent or that future sales of it would be fraudulent.
The division shall set such hearing not later than ten days from
the date of the order of suspension, but may for good cause
continue such hearing upon application of the exchange or system
upon which such security is listed or designated or upon
application of the issuer of such security.

(F) Any security, issued or guaranteed as to principal,
interest, or dividend or distribution by a corporation owning or
operating any public utility, is exempt, if such corporation is,
as to its rates and charges or as to the issuance and guaranteeing

of securities, under the supervision of or regulated by a public
 commission, board, or officer of the United States, or of Canada,
 or of any state, province, or municipal corporation in either of
 such countries. Equipment-trust securities based on chattel
 mortgages, leases, or agreements for conditional sale, of cars,
 locomotives, motor trucks, or other rolling stock or of motor
 vehicles mortgaged, leased, or sold to, or finished for the use
 of, a public utility, are exempt; and so are equipment securities
 where the ownership or title of such equipment is pledged or
 retained, in accordance with the laws of the United States or of
 any state, or of Canada or any province thereof, to secure the
 payment of such securities.

(G) Commercial paper and promissory notes are exempt when
 they are not offered directly or indirectly for sale to the
 public.

(H) Any security issued or guaranteed by an insurance
 company, except as provided in section 1707.32 of the Revised
 Code, is exempt if such company is under the supervision of, and
 the issuance or guaranty of such security is regulated by, a
 state.

(I) Any security, except notes, bonds, debentures, or other
 evidences of indebtedness or of promises or agreements to pay
 money, which is issued by a person, corporation, or association
 organized not for profit, including persons, corporations, and
 associations organized exclusively for conducting county fairs, or
 for religious, educational, social, recreational, athletic,
 benevolent, fraternal, charitable, or reformatory purposes, and
 agricultural cooperatives as defined in section 1729.01 of the
 Revised Code, is exempt, if no part of the net earnings of such
 issuer inures to the benefit of any shareholder or member of such

issuer or of any individual, and if the total commission, 2442
 remuneration, expense, or discount in connection with the sale of 2443
 such securities does not exceed two per cent of the total sale 2444
 price thereof plus five hundred dollars. 2445

(J)(1) Any securities outstanding for a period of not less 2446
 than five years, on which there has occurred no default in payment 2447
 of principal, interest, or dividend or distribution for the five 2448
 years immediately preceding the sale, are exempt. 2449

(2) For the purpose of division (J) of this section, the 2450
 dividend, distribution, or interest rate on securities in which no 2451
 such rate is specified shall be at the rate of at least four per 2452
 cent annually on the aggregate of the price at which such 2453
 securities are to be sold. 2454

(K) All bonds issued under authority of Chapter 165. or 761., 2455
 or section 4582.06 or 4582.31 of the Revised Code are exempt. 2456

Sec. 1707.04. (A) The division of securities may consider and 2457
 conduct hearings upon any plan of reorganization, 2458
 recapitalization, or refinancing of a corporation organized under 2459
 the laws of this state, or having its principal place of business 2460
 within this state, when such plan is proposed by such corporation 2461
 or by any of its shareholders or creditors and contains a proposal 2462
 to issue securities in exchange for one or more bona fide 2463
 outstanding securities, claims, or property interests, or partly 2464
 in such exchange or partly for cash. The division may also approve 2465
 the terms of such issuance and exchange and the fairness of such 2466
 terms, after a hearing upon such fairness at which all persons to 2467
 whom it is proposed to issue securities in such exchange have the 2468
 right to appear, if application for such a hearing is made by such 2469
 corporation, by the holders of a majority in amount of its debts, 2470

or by the holders of a majority in amount of any outstanding class 2471
of securities issued by it. Notice in person or by electronic or 2472
regular mail of the time and place of such hearing shall be given 2473
to all persons to whom it is proposed to issue such securities, 2474
and evidence satisfactory to the division that such notice has 2475
been given shall be filed with the division. Securities issued in 2476
accordance with a plan so approved by the division are exempt from 2477
sections 1707.01 to 1707.50 of the Revised Code, relating to 2478
registration or qualification of securities or the registration of 2479
transactions therein. 2480

(B) "Reorganization," "recapitalization," and "refinancing," 2481
as used in this section, include the following: 2482

(1) A readjustment by modification of the terms of securities 2483
by agreement; 2484

(2) A readjustment by the exchange of securities by the 2485
issuer for others of its securities; 2486

(3) The exchange of securities by the issuer for securities 2487
of another issuer; 2488

(4) The acquisition of assets of a person, directly or 2489
indirectly, partly or wholly in consideration for securities 2490
distributed or to be distributed as part of the same transaction, 2491
directly or indirectly, to holders of securities issued by such 2492
person or secured by assets of such person; 2493

(5) A merger or consolidation. 2494

(C) Upon filing an application with the division under this 2495
section, the applicant shall pay to the division a filing fee of 2496
one hundred dollars and shall deposit with the division such sum, 2497
not in excess of one thousand dollars, as the division requires 2498
for the purpose of defraying the costs of the hearing provided for 2499

in this section and of any investigation which the division may 2500
make in connection herewith. 2501

Sec. 1707.042. (A) No person who makes or opposes a control 2502
bid to offerees in this state shall knowingly do any of the 2503
following: 2504

(1) Make any untrue statement of a material fact or omit to 2505
state a material fact necessary in order to make the statements 2506
made, in light of the circumstances under which they were made, 2507
not misleading; 2508

(2) Engage in any act, practice, or course of business which 2509
operates or would operate as a fraud or deceit upon any such 2510
offeree; 2511

(3) Engage in any manipulative act or practice. 2512

(B) Any person who makes or opposes a control bid to offerees 2513
in this state, or who realizes any profit which inures to and is 2514
recoverable by a corporation, formed in this state, pursuant to 2515
section 1707.043 of the Revised Code, is conclusively presumed to 2516
have designated the secretary of state as its agent for the 2517
service of process in any action or proceeding under this chapter. 2518
Upon receipt of any such process, together with an affidavit 2519
showing the last known address of the person who made or opposed 2520
the control bid or who realized such profit, the secretary of 2521
state shall forthwith give notice ~~by telegraph of the fact~~ of the 2522
service of process ~~and forward a copy of such process to such~~ 2523
~~address by certified mail, return receipt requested.~~ This section 2524
does not affect any right to serve process in any other manner 2525
permitted by law. 2526

(C) Any person who makes or opposes a control bid is subject 2527
to the liabilities and penalties applicable to a seller, and an 2528

offeree is entitled to the remedies applicable to a purchaser, as 2529
set forth in sections 1707.41 to 1707.50 of the Revised Code. 2530

(D) In case any provision or application of any provision of 2531
this section is for any reason held to be illegal or invalid, such 2532
illegality or invalidity shall not affect any legal and valid 2533
provision or application of this section. 2534

Sec. 1707.091. (A) Any security for which a registration 2535
statement has been filed pursuant to Section 6 of the Securities 2536
Act of 1933 or for which a notification form and offering circular 2537
has been filed pursuant to regulation A of the general rules and 2538
regulations of the securities and exchange commission, 17 C.F.R. 2539
sections 230.251 to 230.256 and 230.258 to 230.263, as amended 2540
before or after the effective date of this section, in connection 2541
with the same offering may be registered by coordination. 2542

(B) A registration statement filed by or on behalf of the 2543
issuer under this section with the division of securities shall 2544
contain the following information and be accompanied by the 2545
following items in addition to the consent to service of process 2546
required by section 1707.11 of the Revised Code: 2547

(1) One copy of the latest form of prospectus or offering 2548
circular and notification filed with the securities and exchange 2549
commission; 2550

(2) If the division of securities by rule or otherwise 2551
requires, a copy of the articles of incorporation and code of 2552
regulations or bylaws, or their substantial equivalents, as 2553
currently in effect, a copy of any agreements with or among 2554
underwriters, a copy of any indenture or other instrument 2555
governing the issuance of the security to be registered, and a 2556
specimen or copy of the security; 2557

(3) If the division of securities requests, any other	2558
information, or copies of any other documents, filed with the	2559
securities and exchange commission;	2560
(4) An undertaking by the issuer to forward to the division,	2561
promptly and in any event not later than the first business day	2562
after the day they are forwarded to or thereafter are filed with	2563
the securities and exchange commission, whichever occurs first,	2564
all amendments to the federal prospectus, offering circular,	2565
notification form, or other documents filed with the securities	2566
and exchange commission, other than an amendment that merely	2567
delays the effective date;	2568
(5) A filing fee of one hundred dollars.	2569
(C) A registration statement filed under this section becomes	2570
effective either at the moment the federal registration statement	2571
becomes effective or at the time the offering may otherwise be	2572
commenced in accordance with the rules, regulations, or orders of	2573
the securities and exchange commission, if all of the following	2574
conditions are satisfied:	2575
(1) No stop order is in effect, no proceeding is pending	2576
under section 1707.13 of the Revised Code, and no cease and desist	2577
order has been issued pursuant to section 1707.23 of the Revised	2578
Code;	2579
(2) The registration statement has been on file with the	2580
division for at least fifteen days or for such shorter period as	2581
the division by rule or otherwise permits; provided, that if the	2582
registration statement is not filed with the division within five	2583
days of the initial filing with the securities and exchange	2584
commission, the registration statement must be on file with the	2585
division for thirty days or for such shorter period as the	2586
division by rule or otherwise permits.	2587

(3) A statement of the maximum and minimum proposed offering prices and the maximum underwriting discounts and commissions has been on file with the division for two full business days or for such shorter period as the division by rule or otherwise permits and the offering is made within those limitations;

(4) The division has received a registration fee of one-tenth of one per cent of the aggregate price at which the securities are to be sold to the public in this state, which fee, however, shall in no case be less than one hundred or more than one thousand dollars.

(D) The issuer shall promptly notify the division by telephone ~~or telegram~~ of the date and time when the federal registration statement became effective, or when the offering may otherwise be commenced in accordance with the rules, regulations, or orders of the securities and exchange commission, and of the contents of the price amendment, if any, and shall promptly file the price amendment.

"Price amendment" for the purpose of this division, means the final federal registration statement amendment that includes a statement of the offering price, underwriting and selling discounts or commissions, amount of proceeds, conversion rates, call prices, and other matters dependent upon the offering price.

If the division fails to receive the required notice and required copies of the price amendment, the division may enter a provisional stop order retroactively denying effectiveness to the registration statement or suspending its effectiveness until there is compliance with this division, provided the division promptly notifies the issuer or its representative by telephone ~~or telegram~~, and promptly confirms by letter ~~or telegram~~ when it notifies by telephone, of the entry of the order. If the issuer or

its representative proves compliance with the requirements of this 2618
division as to notice and price amendment filing, the stop order 2619
is void as of the time of its entry. The division may by rule or 2620
otherwise waive either or both of the conditions specified in 2621
divisions (C)(2) and (3) of this section. If the federal 2622
registration statement becomes effective, or if the offering may 2623
otherwise be commenced in accordance with the rules, regulations, 2624
or orders of the securities and exchange commission, before all of 2625
the conditions specified in divisions (C) and (D) of this section 2626
are satisfied and they are not waived by the division the 2627
registration statement becomes effective as soon as all of the 2628
conditions are satisfied. 2629

If the issuer advises the division of the date when the 2630
federal registration statement is expected to become effective, or 2631
when the offering may otherwise be commenced in accordance with 2632
the rules, regulations, or orders of the securities and exchange 2633
commission, the division shall promptly advise the issuer or its 2634
representative by telephone ~~or telegram~~, at the issuer's expense, 2635
whether all of the conditions have been satisfied or whether the 2636
division then contemplates the institution of a proceeding under 2637
section 1707.13 or 1707.23 of the Revised Code, but such advice 2638
does not preclude the institution of such a proceeding at any 2639
time. 2640

Sec. 1707.11. (A) Each person that is not organized under the 2641
laws of this state, that is not licensed under section 1703.03 of 2642
the Revised Code, or that does not have its principal place of 2643
business in this state, shall submit to the division of securities 2644
an irrevocable consent to service of process, as described in 2645
division (B) of this section, in connection with any of the 2646
following: 2647

(1) Filings to claim any of the exemptions enumerated in	2648
division (Q), (W), or (Y) of section 1707.03 of the Revised Code;	2649
(2) Applications for registration by description,	2650
qualification, or coordination;	2651
(3) Notice filings pursuant to section 1707.092 of the	2652
Revised Code.	2653
(B) The irrevocable written consent shall be executed and	2654
acknowledged by an individual duly authorized to give the consent	2655
and shall do all of the following:	2656
(1) Designate the secretary of state as agent for service of	2657
process or pleadings;	2658
(2) State that actions growing out of the sale of such	2659
securities, the giving of investment advice, or fraud committed by	2660
a person on whose behalf the consent is submitted may be commenced	2661
against the person, in the proper court of any county in this	2662
state in which a cause of action may arise or in which the	2663
plaintiff in the action may reside, by serving on the secretary of	2664
state any proper process or pleading authorized by the laws of	2665
this state;	2666
(3) Stipulate that service of process or pleading on the	2667
secretary of state shall be taken in all courts to be as valid and	2668
binding as if service had been made upon the person on whose	2669
behalf the consent is submitted.	2670
(C) Notwithstanding any application, form, or other material	2671
filed with or submitted to the division that purports to appoint	2672
as agent for service of process a person other than the secretary	2673
of state, the application, form, or other material shall be	2674
considered to appoint the secretary of state as agent for service	2675
of process.	2676

(D) Service of any process or pleadings may be made on the secretary of state ~~by duplicate copies, of which one shall be filed~~ in the office of the secretary of state, and ~~the other~~ immediately forwarded by the secretary of state ~~by certified mail~~ to the principal place of business of the person on whose behalf the consent is submitted or to the last known address as shown on the filing made with the division. However, failure to ~~mail~~ send such copy does not invalidate the service.

(E) Notwithstanding any provision of this chapter, or of any rule adopted by the division of securities under this chapter, that requires the submission of a consent to service of process, the division may provide by rule for the electronic filing or submission of a consent to service of process.

Sec. 1707.43. (A) Subject to divisions (B) and (C) of this section, every sale or contract for sale made in violation of Chapter 1707. of the Revised Code, is voidable at the election of the purchaser. The person making such sale or contract for sale, and every person that has participated in or aided the seller in any way in making such sale or contract for sale, are jointly and severally liable to the purchaser, in an action at law in any court of competent jurisdiction, upon tender to the seller ~~in person or in open court~~ of the securities sold or of the contract made, for the full amount paid by the purchaser and for all taxable court costs, unless the court determines that the violation did not materially affect the protection contemplated by the violated provision.

(B) No action for the recovery of the purchase price as provided for in this section, and no other action for any recovery based upon or arising out of a sale or contract for sale made in violation of Chapter 1707. of the Revised Code, shall be brought

more than two years after the plaintiff knew, or had reason to
 know, of the facts by reason of which the actions of the person or
 director were unlawful, or more than five years from the date of
 such sale or contract for sale, whichever is the shorter period.

(C) No purchaser is entitled to the benefit of this section
 who has failed to accept, within thirty days from the date of such
 offer, an offer in writing made after two weeks from the date of
 the sale or contract of sale, by the seller or by any person that
 has participated in or aided the seller in any way in making the
 sale or contract of sale, to take back the security in question
 and to refund the full amount paid by the purchaser.

Sec. 1733.16. Unless otherwise provided in the articles,
 regulations, or bylaws, and subject to the exceptions applicable
 during an emergency, as that term is defined in section 1733.01 of
 the Revised Code:

(A) Meetings of the directors may be called by the
 chairperson, vice-chairperson, president, or any vice-president of
 the board or any two directors.

(B) Regularly scheduled meetings of the directors shall be
 held in the manner prescribed by the credit union's code of
 regulations, but not less frequently than quarterly.

(C) Meetings of the directors may be held within or without
 the state. Unless the articles or regulations prohibit
 participation by directors at a meeting by means of communication
 equipment, meetings of the directors may be held through any
 communication equipment if all the persons participating can hear
 each other, and participation in the meeting pursuant to this
 division constitutes presence at the meeting.

(D) Notice of the place, if any, and time of each meeting of

the directors shall be given to each director either by personal 2736
 delivery or by mail, ~~telegram, cablegram,~~ overnight delivery 2737
 service, or any other means of communication authorized by the 2738
~~director~~ board of directors at least two days before the meeting, 2739
 unless otherwise specified in the regulations or bylaws. The 2740
 notice described in this division need not specify the purpose of 2741
 the meeting. 2742

(E) Notice of adjournment of a meeting need not be given, if 2743
 the time and place to which it is adjourned are fixed and 2744
 announced at the meeting. 2745

Sec. 2941.401. When a person has entered upon a term of 2746
 imprisonment in a correctional institution of this state, and when 2747
 during the continuance of the term of imprisonment there is 2748
 pending in this state any untried indictment, information, or 2749
 complaint against the prisoner, ~~he~~ the prisoner shall be brought 2750
 to trial within one hundred eighty days after ~~he~~ the prisoner 2751
 causes to be delivered to the prosecuting attorney and the 2752
 appropriate court in which the matter is pending, written notice 2753
 of the place of ~~his~~ the prisoner's imprisonment and a request for 2754
 a final disposition to be made of the matter, except that for good 2755
 cause shown in open court, with the prisoner or ~~his~~ the prisoner's 2756
 counsel present, the court may grant any necessary or reasonable 2757
 continuance. The request of the prisoner shall be accompanied by a 2758
 certificate of the warden or superintendent having custody of the 2759
 prisoner, stating the term of commitment under which the prisoner 2760
 is being held, the time served and remaining to be served on the 2761
 sentence, the amount of good time earned, the time of parole 2762
 eligibility of the prisoner, and any decisions of the adult parole 2763
 authority relating to the prisoner. 2764

The written notice and request for final disposition shall be 2765

given or sent by the prisoner to the warden or superintendent 2766
 having custody of ~~him~~ the prisoner, who shall promptly forward it 2767
 with the certificate to the appropriate prosecuting attorney and 2768
 court by registered or certified mail, return receipt requested. 2769
If the appropriate prosecuting attorney and agency having custody 2770
of the prisoner have previously agreed, then the written notice, 2771
request, and certificate may be sent by electronic mail or 2772
facsimile, in lieu of registered mail or certified mail. 2773

The warden or superintendent having custody of the prisoner 2774
 shall promptly inform ~~him~~ the prisoner in writing of the source 2775
 and contents of any untried indictment, information, or complaint 2776
 against ~~him~~ the prisoner, concerning which the warden or 2777
 superintendent has knowledge, and of ~~his~~ the prisoner's right to 2778
 make a request for final disposition thereof. 2779

Escape from custody by the prisoner, subsequent to ~~his~~ the 2780
prisoner's execution of the request for final disposition, voids 2781
 the request. 2782

If the action is not brought to trial within the time 2783
 provided, subject to continuance allowed pursuant to this section, 2784
 no court any longer has jurisdiction thereof, the indictment, 2785
 information, or complaint is void, and the court shall enter an 2786
 order dismissing the action with prejudice. 2787

This section does not apply to any person adjudged to be 2788
 mentally ill or who is under sentence of life imprisonment or 2789
 death, or to any prisoner under sentence of death. 2790

Sec. 3111.23. The natural mother, the man acknowledging he is 2791
 the natural father, or the other custodian or guardian of a child, 2792
 a child support enforcement agency pursuant to section 3111.22 of 2793
 the Revised Code, a local registrar of vital statistics pursuant 2794

to section 3705.091 of the Revised Code, or a hospital staff 2795
 person pursuant to section 3727.17 of the Revised Code, ~~in person~~ 2796
~~or~~ by mail, may file an acknowledgment of paternity with the 2797
 office of child support in the department of job and family 2798
 services, acknowledging that the child is the child of the man who 2799
 signed the acknowledgment. The acknowledgment of paternity shall 2800
 be made on the affidavit prepared pursuant to section 3111.31 of 2801
 the Revised Code, shall be signed by the natural mother and the 2802
 man acknowledging that he is the natural father, and each 2803
 signature shall be notarized. The mother and man may sign and have 2804
 the signature notarized outside of each other's presence. An 2805
 acknowledgment shall be sent to the office no later than ten days 2806
 after it has been signed and notarized. If a person knows a man is 2807
 presumed under section 3111.03 of the Revised Code to be the 2808
 father of the child described in this section and that the 2809
 presumed father is not the man who signed an acknowledgment with 2810
 respect to the child, the person shall not notarize or file the 2811
 acknowledgment pursuant to this section. 2812

Sec. 3301.05. A majority of the voting members of the state 2813
 board of education shall constitute a quorum for the transaction 2814
 of business. Official actions of the state board, including the 2815
 making and adoption of motions and resolutions, shall be 2816
 transacted only at public meetings open to the public. The 2817
 superintendent of public instruction, or a designated subordinate 2818
~~designated by him~~, shall record all official actions taken at each 2819
 meeting of the board ~~in a book provided for that purpose~~, which 2820
 shall be a public record. The record of the proceedings of each 2821
 meeting of the board shall be read at its next succeeding meeting 2822
 and corrected and approved, which approval shall be noted in the 2823
 proceedings. The president shall sign the record and the 2824

superintendent of public instruction or ~~his~~ a designated 2825
 subordinate attest it. The president's signature of the record and 2826
the attestation of the superintendent or designated subordinate 2827
may be made electronically. 2828

Sec. 3302.04. As used in divisions (A), (C), and (D) of this 2829
 section, for the 2014-2015 school year, and for each school year 2830
 thereafter, when a provision refers to a school district or school 2831
 building in a state of academic emergency, it shall mean a 2832
 district or building rated "F"; when a provision refers to a 2833
 school district or school building under an academic watch, it 2834
 shall mean a district or building rated "D"; and when a provision 2835
 refers to a school district or school building in need of 2836
 continuous improvement, it shall mean a district or building rated 2837
 "C" as those letter grade ratings for overall performance are 2838
 assigned under division (C)(3) of section 3302.03 of the Revised 2839
 Code, as it exists on or after March 22, 2013. 2840

(A) The department of education shall establish a system of 2841
 intensive, ongoing support for the improvement of school districts 2842
 and school buildings. In accordance with the model of 2843
 differentiated accountability described in section 3302.041 of the 2844
 Revised Code, the system shall give priority to the following: 2845

(1) For any school year prior to the 2012-2013 school year, 2846
 districts and buildings that have been declared to be under an 2847
 academic watch or in a state of academic emergency under section 2848
 3302.03 of the Revised Code; 2849

(2) For the 2012-2013 school year, and for each school year 2850
 thereafter, districts and buildings in the manner prescribed by 2851
 any agreement currently in force between the department and the 2852
 United States department of education. The department shall 2853
 endeavor to include schools and buildings that receive grades or 2854

performance ratings under section 3302.03 of the Revised Code that 2855
the department considers to be low performing. 2856

The system shall include services provided to districts and 2857
buildings through regional service providers, such as educational 2858
service centers. The system may include the appointment of an 2859
improvement coordinator for any of the lowest performing 2860
districts, as determined by the department, to coordinate the 2861
district's academic improvement efforts and to build support among 2862
the community for those efforts. 2863

(B) This division does not apply to any school district after 2864
June 30, 2008. 2865

When a school district has been notified by the department 2866
pursuant to section 3302.03 of the Revised Code that the district 2867
or a building within the district has failed to make adequate 2868
yearly progress for two consecutive school years, the district 2869
shall develop a three-year continuous improvement plan for the 2870
district or building containing each of the following: 2871

(1) An analysis of the reasons for the failure of the 2872
district or building to meet any of the applicable performance 2873
indicators established under section 3302.02 of the Revised Code 2874
that it did not meet and an analysis of the reasons for its 2875
failure to make adequate yearly progress; 2876

(2) Specific strategies that the district or building will 2877
use to address the problems in academic achievement identified in 2878
division (B)(1) of this section; 2879

(3) Identification of the resources that the district will 2880
allocate toward improving the academic achievement of the district 2881
or building; 2882

(4) A description of any progress that the district or 2883

building made in the preceding year toward improving its academic	2884
achievement;	2885
(5) An analysis of how the district is utilizing the	2886
professional development standards adopted by the state board	2887
pursuant to section 3319.61 of the Revised Code;	2888
(6) Strategies that the district or building will use to	2889
improve the cultural competency, as defined pursuant to section	2890
3319.61 of the Revised Code, of teachers and other educators.	2891
No three-year continuous improvement plan shall be developed	2892
or adopted pursuant to this division unless at least one public	2893
hearing is held within the affected school district or building	2894
concerning the final draft of the plan. Notice of the hearing	2895
shall be given two weeks prior to the hearing by publication in	2896
one newspaper of general circulation within the territory of the	2897
affected school district or building. Copies of the plan shall be	2898
made available to the public.	2899
(C)(1) For any school year prior to the school year that	2900
begins on July 1, 2012, when a school district or building has	2901
been notified by the department pursuant to section 3302.03 of the	2902
Revised Code that the district or building is under an academic	2903
watch or in a state of academic emergency, the district or	2904
building shall be subject to any rules establishing intervention	2905
in academic watch or emergency school districts or buildings.	2906
(2) For the 2012-2013 school year, and for each school year	2907
thereafter, a district or building that meets the conditions for	2908
intervention prescribed by the agreement described in division	2909
(A)(2) of this section shall be subject to any rules establishing	2910
such intervention.	2911
(D)(1) For any school year prior to the 2012-2013 school	2912

year, within one hundred twenty days after any school district or building is declared to be in a state of academic emergency under section 3302.03 of the Revised Code, the department may initiate a site evaluation of the building or school district.

(2) For the 2012-2013 school year, and for each school year thereafter, the department may initiate a site evaluation of a building or school district that meets the conditions for a site evaluation prescribed by the agreement described in division (A)(2) of this section.

~~(3) Division (D)(3) of this section does not apply to any school district after June 30, 2008.~~

~~If any school district that is declared to be in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code or encompasses a building that is declared to be in a state of academic emergency or in a state of academic watch fails to demonstrate to the department satisfactory improvement of the district or applicable buildings or fails to submit to the department any information required under rules established by the state board of education, prior to approving a three year continuous improvement plan under rules established by the state board of education, the department shall conduct a site evaluation of the school district or applicable buildings to determine whether the school district is in compliance with minimum standards established by law or rule.~~

~~(4) Division (D)(4) of this section does not apply to any school district after June 30, 2008. Site evaluations conducted under divisions (D)(1), (2), and (3) of this section shall include, but not be limited to, the following:~~

~~(a) Determining whether teachers are assigned to subject areas for which they are licensed or certified;~~

(b) Determining pupil teacher ratios;	2943
(c) Examination of compliance with minimum instruction time requirements for each school day and for each school year;	2944
(d) Determining whether materials and equipment necessary to implement the curriculum approved by the school district board are available;	2946
(e) Examination of whether the teacher and principal evaluation systems comply with sections 3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code;	2949
(f) Examination of the adequacy of efforts to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.	2952
(E) This division applies only to school districts that operate a school building that fails to make adequate yearly progress for two or more consecutive school years. It does not apply to any such district after June 30, 2008, except as provided in division (D)(2) of section 3313.97 of the Revised Code.	2955
(1) For any school building that fails to make adequate yearly progress for two consecutive school years, the district shall do all of the following:	2956
(a) Provide written notification of the academic issues that resulted in the building's failure to make adequate yearly progress to the parent or guardian of each student enrolled in the building. The notification shall also describe the actions being taken by the district or building to improve the academic performance of the building and any progress achieved toward that goal in the immediately preceding school year.	2957
(b) If the building receives funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C.	2958
	2959
	2960
	2961
	2962
	2963
	2964
	2965
	2966
	2967
	2968
	2969
	2970
	2971

6311 to 6339, from the district, in accordance with section 2972
 3313.97 of the Revised Code, offer all students enrolled in the 2973
 building the opportunity to enroll in an alternative building 2974
 within the district that is not in school improvement status as 2975
 defined by the "No Child Left Behind Act of 2001." Notwithstanding 2976
 Chapter 3327. of the Revised Code, the district shall spend an 2977
 amount equal to twenty per cent of the funds it receives under 2978
 Title I, Part A of the "Elementary and Secondary Education Act of 2979
 1965," 20 U.S.C. 6311 to 6339, to provide transportation for 2980
 students who enroll in alternative buildings under this division, 2981
 unless the district can satisfy all demand for transportation with 2982
 a lesser amount. If an amount equal to twenty per cent of the 2983
 funds the district receives under Title I, Part A of the 2984
 "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 2985
 to 6339, is insufficient to satisfy all demand for transportation, 2986
 the district shall grant priority over all other students to the 2987
 lowest achieving students among the subgroup described in division 2988
 (B)(3) of section 3302.01 of the Revised Code in providing 2989
 transportation. Any district that does not receive funds under 2990
 Title I, Part A of the "Elementary and Secondary Education Act of 2991
 1965," 20 U.S.C. 6311 to 6339, shall not be required to provide 2992
 transportation to any student who enrolls in an alternative 2993
 building under this division. 2994

(2) For any school building that fails to make adequate 2995
 yearly progress for three consecutive school years, the district 2996
 shall do both of the following: 2997

(a) If the building receives funds under Title I, Part A of 2998
 the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 2999
 6311 to 6339, from the district, in accordance with section 3000
 3313.97 of the Revised Code, provide all students enrolled in the 3001
 building the opportunity to enroll in an alternative building 3002

within the district that is not in school improvement status as 3003
defined by the "No Child Left Behind Act of 2001." Notwithstanding 3004
Chapter 3327. of the Revised Code, the district shall provide 3005
transportation for students who enroll in alternative buildings 3006
under this division to the extent required under division (E)(2) 3007
of this section. 3008

(b) If the building receives funds under Title I, Part A of 3009
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 3010
6311 to 6339, from the district, offer supplemental educational 3011
services to students who are enrolled in the building and who are 3012
in the subgroup described in division (B)(3) of section 3302.01 of 3013
the Revised Code. 3014

The district shall spend a combined total of an amount equal 3015
to twenty per cent of the funds it receives under Title I, Part A 3016
of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 3017
6311 to 6339, to provide transportation for students who enroll in 3018
alternative buildings under division (E)(1)(b) or (E)(2)(a) of 3019
this section and to pay the costs of the supplemental educational 3020
services provided to students under division (E)(2)(b) of this 3021
section, unless the district can satisfy all demand for 3022
transportation and pay the costs of supplemental educational 3023
services for those students who request them with a lesser amount. 3024
In allocating funds between the requirements of divisions 3025
(E)(1)(b) and (E)(2)(a) and (b) of this section, the district 3026
shall spend at least an amount equal to five per cent of the funds 3027
it receives under Title I, Part A of the "Elementary and Secondary 3028
Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide 3029
transportation for students who enroll in alternative buildings 3030
under division (E)(1)(b) or (E)(2)(a) of this section, unless the 3031
district can satisfy all demand for transportation with a lesser 3032
amount, and at least an amount equal to five per cent of the funds 3033

it receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to pay the costs of the supplemental educational services provided to students under division (E)(2)(b) of this section, unless the district can pay the costs of such services for all students requesting them with a lesser amount. If an amount equal to twenty per cent of the funds the district receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, is insufficient to satisfy all demand for transportation under divisions (E)(1)(b) and (E)(2)(a) of this section and to pay the costs of all of the supplemental educational services provided to students under division (E)(2)(b) of this section, the district shall grant priority over all other students in providing transportation and in paying the costs of supplemental educational services to the lowest achieving students among the subgroup described in division (B)(3) of section 3302.01 of the Revised Code.

Any district that does not receive funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, shall not be required to provide transportation to any student who enrolls in an alternative building under division (E)(2)(a) of this section or to pay the costs of supplemental educational services provided to any student under division (E)(2)(b) of this section.

No student who enrolls in an alternative building under division (E)(2)(a) of this section shall be eligible for supplemental educational services under division (E)(2)(b) of this section.

(3) For any school building that fails to make adequate yearly progress for four consecutive school years, the district

shall continue to comply with division (E)(2) of this section and 3064
shall implement at least one of the following options with respect 3065
to the building: 3066

(a) Institute a new curriculum that is consistent with the 3067
statewide academic standards adopted pursuant to division (A) of 3068
section 3301.079 of the Revised Code; 3069

(b) Decrease the degree of authority the building has to 3070
manage its internal operations; 3071

(c) Appoint an outside expert to make recommendations for 3072
improving the academic performance of the building. The district 3073
may request the department to establish a state intervention team 3074
for this purpose pursuant to division (G) of this section. 3075

(d) Extend the length of the school day or year; 3076

(e) Replace the building principal or other key personnel; 3077

(f) Reorganize the administrative structure of the building. 3078

(4) For any school building that fails to make adequate 3079
yearly progress for five consecutive school years, the district 3080
shall continue to comply with division (E)(2) of this section and 3081
shall develop a plan during the next succeeding school year to 3082
improve the academic performance of the building, which shall 3083
include at least one of the following options: 3084

(a) Reopen the school as a community school under Chapter 3085
3314. of the Revised Code; 3086

(b) Replace personnel; 3087

(c) Contract with a nonprofit or for-profit entity to operate 3088
the building; 3089

(d) Turn operation of the building over to the department; 3090

(e) Other significant restructuring of the building's governance. 3091
3092

(5) For any school building that fails to make adequate yearly progress for six consecutive school years, the district shall continue to comply with division (E)(2) of this section and shall implement the plan developed pursuant to division (E)(4) of this section. 3093
3094
3095
3096
3097

(6) A district shall continue to comply with division (E)(1)(b) or (E)(2) of this section, whichever was most recently applicable, with respect to any building formerly subject to one of those divisions until the building makes adequate yearly progress for two consecutive school years. 3098
3099
3100
3101
3102

(F) This division applies only to school districts that have been identified for improvement by the department pursuant to the "No Child Left Behind Act of 2001." It does not apply to any such district after June 30, 2008. 3103
3104
3105
3106

(1) If a school district has been identified for improvement for one school year, the district shall provide a written description of the continuous improvement plan developed by the district pursuant to division (B) of this section to the parent or guardian of each student enrolled in the district. If the district does not have a continuous improvement plan, the district shall develop such a plan in accordance with division (B) of this section and provide a written description of the plan to the parent or guardian of each student enrolled in the district. 3107
3108
3109
3110
3111
3112
3113
3114
3115

(2) If a school district has been identified for improvement for two consecutive school years, the district shall continue to implement the continuous improvement plan developed by the district pursuant to division (B) or (F)(1) of this section. 3116
3117
3118
3119

(3) If a school district has been identified for improvement 3120
 for three consecutive school years, the department shall take at 3121
 least one of the following corrective actions with respect to the 3122
 district: 3123

(a) Withhold a portion of the funds the district is entitled 3124
 to receive under Title I, Part A of the "Elementary and Secondary 3125
 Education Act of 1965," 20 U.S.C. 6311 to 6339; 3126

(b) Direct the district to replace key district personnel; 3127

(c) Institute a new curriculum that is consistent with the 3128
 statewide academic standards adopted pursuant to division (A) of 3129
 section 3301.079 of the Revised Code; 3130

(d) Establish alternative forms of governance for individual 3131
 school buildings within the district; 3132

(e) Appoint a trustee to manage the district in place of the 3133
 district superintendent and board of education. 3134

The department shall conduct individual audits of a sampling 3135
 of districts subject to this division to determine compliance with 3136
 the corrective actions taken by the department. 3137

(4) If a school district has been identified for improvement 3138
 for four consecutive school years, the department shall continue 3139
 to monitor implementation of the corrective action taken under 3140
 division (F)(3) of this section with respect to the district. 3141

(5) If a school district has been identified for improvement 3142
 for five consecutive school years, the department shall take at 3143
 least one of the corrective actions identified in division (F)(3) 3144
 of this section with respect to the district, provided that the 3145
 corrective action the department takes is different from the 3146
 corrective action previously taken under division (F)(3) of this 3147
 section with respect to the district. 3148

(G) The department may establish a state intervention team to 3149
 evaluate all aspects of a school district or building, including 3150
 management, curriculum, instructional methods, resource 3151
 allocation, and scheduling. Any such intervention team shall be 3152
 appointed by the department and shall include teachers and 3153
 administrators recognized as outstanding in their fields. The 3154
 intervention team shall make recommendations regarding methods for 3155
 improving the performance of the district or building. 3156

The department shall not approve a district's request for an 3157
 intervention team under division (E)(3) of this section if the 3158
 department cannot adequately fund the work of the team, unless the 3159
 district agrees to pay for the expenses of the team. 3160

(H) The department shall conduct individual audits of a 3161
 sampling of community schools established under Chapter 3314. of 3162
 the Revised Code to determine compliance with this section. 3163

(I) A school district in which the pilot project scholarship 3164
 program is operating under sections 3313.974 to 3313.979 of the 3165
 Revised Code shall report the use of funding for tutorial 3166
 assistance grants under that program in the district's three-year 3167
 continuous improvement plan under this section in a manner 3168
 approved by the department. 3169

(J) The state board shall adopt rules for implementing this 3170
 section. 3171

Sec. 3310.521. (A) As a condition of receiving payments for a 3172
 scholarship, each eligible applicant shall attest to receipt of 3173
 the profile prescribed by division (B) of this section. Such 3174
 attestation shall be made and submitted to the department of 3175
 education in the form and manner as required by the department. 3176

(B) The alternative public provider or registered private 3177

provider that enrolls a qualified special education child shall 3178
 submit in writing to the eligible applicant to whom a scholarship 3179
 is awarded on behalf of that child a profile of the provider's 3180
 special education program, in a form as prescribed by the 3181
 department, that shall contain the following: 3182

(1) Methods of instruction that will be utilized by the 3183
 provider to provide services to the qualified special education 3184
 child; 3185

(2) Qualifications of teachers, instructors, and other 3186
 persons who will be engaged by the provider to provide services to 3187
 the qualified special education child. 3188

The form required under division (B) of this section may be 3189
submitted electronically. 3190

Sec. 3313.41. (A) Except as provided in divisions (C), (D), 3191
 and (F) of this section and in sections 3313.412 and 3313.413 of 3192
 the Revised Code, when a board of education decides to dispose of 3193
 real or personal property that it owns in its corporate capacity 3194
 and that exceeds in value ten thousand dollars, it shall sell the 3195
 property at public auction, after giving at least thirty days' 3196
 notice of the auction by publication in a newspaper of general 3197
 circulation in the school district, by publication as provided in 3198
 section 7.16 of the Revised Code, or by posting notices in five of 3199
 the most public places in the school district in which the 3200
 property, if it is real property, is situated, or, if it is 3201
 personal property, in the school district of the board of 3202
 education that owns the property. The board may offer real 3203
 property for sale as an entire tract or in parcels. 3204

(B) When the board of education has offered real or personal 3205
 property for sale at public auction at least once pursuant to 3206

division (A) of this section, and the property has not been sold, 3207
 the board may sell it at a private sale. Regardless of how it was 3208
 offered at public auction, at a private sale, the board shall, as 3209
 it considers best, sell real property as an entire tract or in 3210
 parcels, and personal property in a single lot or in several lots. 3211

(C) If a board of education decides to dispose of real or 3212
 personal property that it owns in its corporate capacity and that 3213
 exceeds in value ten thousand dollars, it may sell the property to 3214
 the adjutant general; to any subdivision or taxing authority as 3215
 respectively defined in section 5705.01 of the Revised Code, 3216
 township park district, board of park commissioners established 3217
 under Chapter 755. of the Revised Code, or park district 3218
 established under Chapter 1545. of the Revised Code; to a wholly 3219
 or partially tax-supported university, university branch, or 3220
 college; to a nonprofit institution of higher education that has a 3221
 certificate of authorization under Chapter 1713. of the Revised 3222
 Code; to the governing authority of a chartered nonpublic school; 3223
 or to the board of trustees of a school district library, upon 3224
 such terms as are agreed upon. The sale of real or personal 3225
 property to the board of trustees of a school district library is 3226
 limited, in the case of real property, to a school district 3227
 library within whose boundaries the real property is situated, or, 3228
 in the case of personal property, to a school district library 3229
 whose boundaries lie in whole or in part within the school 3230
 district of the selling board of education. 3231

(D) When a board of education decides to trade as a part or 3232
 an entire consideration, an item of personal property on the 3233
 purchase price of an item of similar personal property, it may 3234
 trade the same upon such terms as are agreed upon by the parties 3235
 to the trade. 3236

(E) The president and the treasurer of the board of education 3237
shall execute and deliver deeds or other necessary instruments of 3238
conveyance to complete any sale or trade under this section. 3239

(F) When a board of education has identified a parcel of real 3240
property that it determines is needed for school purposes, the 3241
board may, upon a majority vote of the members of the board, 3242
acquire that property by exchanging real property that the board 3243
owns in its corporate capacity for the identified real property or 3244
by using real property that the board owns in its corporate 3245
capacity as part or an entire consideration for the purchase price 3246
of the identified real property. Any exchange or acquisition made 3247
pursuant to this division shall be made by a conveyance executed 3248
by the president and the treasurer of the board. 3249

(G) When a school district board of education has property 3250
that the board, by resolution, finds is not needed for school 3251
district use, is obsolete, or is unfit for the use for which it 3252
was acquired, the board may donate that property in accordance 3253
with this division if the fair market value of the property is, in 3254
the opinion of the board, two thousand five hundred dollars or 3255
less. 3256

The property may be donated to an eligible nonprofit 3257
organization that is located in this state and is exempt from 3258
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 3259
Before donating any property under this division, the board shall 3260
adopt a resolution expressing its intent to make unneeded, 3261
obsolete, or unfit-for-use school district property available to 3262
these organizations. The resolution shall include guidelines and 3263
procedures the board considers to be necessary to implement the 3264
donation program and shall indicate whether the school district 3265
will conduct the donation program or the board will contract with 3266

a representative to conduct it. If a representative is known when
the resolution is adopted, the resolution shall provide contact
information such as the representative's name, address, and
telephone number.

The resolution shall include within its procedures a
requirement that any nonprofit organization desiring to obtain
donated property under this division shall submit a written notice
to the board or its representative. The written notice shall
include evidence that the organization is a nonprofit organization
that is located in this state and is exempt from federal income
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of
the organization's primary purpose; a description of the type or
types of property the organization needs; and the name, address,
and telephone number of a person designated by the organization's
governing board to receive donated property and to serve as its
agent. The written notice may be submitted electronically to the
board or its representative.

~~After adoption of the resolution, the board shall publish, in
a newspaper of general circulation in the school district or as
provided in section 7.16 of the Revised Code, notice of its intent
to donate unneeded, obsolete, or unfit for use school district
property to eligible nonprofit organizations. The notice shall
include a summary of the information provided in the resolution
and shall be published twice. The second notice shall be published
not less than ten nor more than twenty days after the previous
notice. A similar notice also shall be posted continually post in
the board's office notice of its intent to donate school district
property that is unneeded, obsolete, or unfit for use to eligible
nonprofit organizations. If the school district maintains a web
site on the internet, the notice shall be posted continually at
that web site.~~

The board or its representatives shall maintain a list of all nonprofit organizations that notify the board or its representative of their desire to obtain donated property under this division and that the board or its representative determines to be eligible, in accordance with the requirements set forth in this section and in the donation program's guidelines and procedures, to receive donated property.

The board or its representative also shall maintain a list of all school district property the board finds to be unneeded, obsolete, or unfit for use and to be available for donation under this division. The list shall be posted continually in a conspicuous location in the board's office, and, if the school district maintains a web site on the internet, the list shall be posted continually at that web site. An item of property on the list shall be donated to the eligible nonprofit organization that first declares to the board or its representative its desire to obtain the item unless the board previously has established, by resolution, a list of eligible nonprofit organizations that shall be given priority with respect to the item's donation. Priority may be given on the basis that the purposes of a nonprofit organization have a direct relationship to specific school district purposes of programs provided or administered by the board. A resolution giving priority to certain nonprofit organizations with respect to the donation of an item of property shall specify the reasons why the organizations are given that priority.

Members of the board shall consult with the Ohio ethics commission, and comply with Chapters 102. and 2921. of the Revised Code, with respect to any donation under this division to a nonprofit organization of which a board member, any member of a board member's family, or any business associate of a board member

is a trustee, officer, board member, or employee. 3329

Sec. 3313.818. (A)(1) The department of education shall 3330
establish a program under which public schools that meet the 3331
conditions prescribed in this section shall offer breakfast to all 3332
students either before or during the school day. Each of the 3333
following shall apply: 3334

(a) In the ~~first~~ 2020-2021 school year ~~after the effective~~ 3335
~~date of this section~~, the program shall apply to any public school 3336
in which seventy per cent or more of the students enrolled in the 3337
school during the previous school year were eligible under federal 3338
requirements for free or reduced-price breakfasts or lunches. 3339

(b) In the ~~second~~ 2021-2022 school year ~~after the effective~~ 3340
~~date of this section~~, the program shall apply to any public school 3341
in which sixty per cent or more of the students enrolled in the 3342
school during the previous school year were eligible under federal 3343
requirements for free or reduced-price breakfasts or lunches. 3344

(c) In the ~~third~~ 2022-2023 school year ~~after the enactment~~ 3345
~~date of this section~~ and every school year thereafter, the program 3346
shall apply to any public school in which fifty per cent or more 3347
of the students enrolled in the school during the previous school 3348
year were eligible under federal requirements for free or 3349
reduced-price breakfasts or lunches. 3350

(2) The district superintendent or building principal, in 3351
consultation with the building staff, shall determine the model 3352
for serving breakfast under the program. Each breakfast served 3353
under the program shall comply with federal meal patterns and 3354
nutritional standards and with section 3313.814 of the Revised 3355
Code. A school district board of education may make a charge in 3356
accordance with federal requirements for each meal to cover all or 3357

part of the costs incurred in operating the program. 3358

(B) The department shall publish a list of public schools 3359
that meet the conditions of division (A) of this section. The 3360
department shall offer technical assistance to school districts 3361
and schools regarding the implementation of a school breakfast 3362
program that complies with this section and the submission of 3363
claims for reimbursement under the federal school breakfast 3364
program. 3365

(C)(1) The department shall monitor each school participating 3366
in the program and ensure that each participating school complies 3367
with the requirements of this section. 3368

(2) If the board of education of a school district determines 3369
that, for financial reasons, a school under the board's control 3370
cannot comply with the requirements of this section or the board 3371
already has a successful breakfast program or partnership in 3372
place, the district board may choose not to comply with those 3373
requirements. 3374

(D) Not later than the thirty-first day of December of each 3375
school year, the department shall provide statistical reports on 3376
its web site that specify the number and percentage of students 3377
participating in school breakfast programs disaggregated by school 3378
district and individual schools, including community schools, 3379
established under Chapter 3314. of the Revised Code, and STEM 3380
schools, established under Chapter 3326. of the Revised Code. 3381

(E) Not later than the thirty-first day of December of each 3382
school year, the department shall prepare a report on the 3383
implementation and effectiveness of the program established under 3384
this section and submit the report to the general assembly, in 3385
accordance with section 101.68 of the Revised Code, and to the 3386
governor. The report may be submitted electronically. The report 3387

shall include:	3388
(1) The number of students and participation rates in the	3389
free and reduced-price breakfast programs under this section for	3390
each school building;	3391
(2) The type of breakfast model used by each school building	3392
participating in the breakfast program;	3393
(3) The number of students and participation rates in free or	3394
reduced-price lunch for each school building.	3395
Sec. 3314.21. (A) As used in this section:	3396
(1) "Harmful to juveniles" has the same meaning as in section	3397
2907.01 of the Revised Code.	3398
(2) "Obscene" has the same meaning as in division (F) of	3399
section 2907.01 of the Revised Code as that division has been	3400
construed by the supreme court of this state.	3401
(3) "Teacher of record" means a teacher who is responsible	3402
for the overall academic development and achievement of a student	3403
and not merely the student's instruction in any single subject.	3404
(B)(1) It is the intent of the general assembly that teachers	3405
employed by internet- or computer-based community schools conduct	3406
visits with their students in-person throughout the school year.	3407
(2) Each internet- or computer-based community school shall	3408
retain an affiliation with at least one full-time teacher of	3409
record licensed in accordance with division (A)(10) of section	3410
3314.03 of the Revised Code.	3411
(3) Each student enrolled in an internet- or computer-based	3412
community school shall be assigned to at least one teacher of	3413
record. No teacher of record shall be primarily responsible for	3414
the academic development and achievement of more than one hundred	3415

twenty-five students enrolled in the internet- or computer-based 3416
community school that has retained that teacher. 3417

(C) For any internet- or computer-based community school, the 3418
contract between the sponsor and the governing authority of the 3419
school described in section 3314.03 of the Revised Code shall 3420
specify each of the following: 3421

(1) A requirement that the school use a filtering device or 3422
install filtering software that protects against internet access 3423
to materials that are obscene or harmful to juveniles on each 3424
computer provided to students for instructional use. The school 3425
shall provide such device or software at no cost to any student 3426
who works primarily from the student's residence on a computer 3427
obtained from a source other than the school. 3428

(2) A plan for fulfilling the intent of the general assembly 3429
specified in division (B)(1) of this section. The plan shall 3430
indicate the number of times teachers will visit each student 3431
throughout the school year and the manner in which those visits 3432
will be conducted. The visits may be conducted electronically. 3433

(3) That the school will set up a central base of operation 3434
and the sponsor will maintain a representative within fifty miles 3435
of that base of operation to provide monitoring and assistance. 3436

(D)(1) Annually, each internet- or computer-based community 3437
school shall prepare and submit to the department of education, in 3438
a time and manner prescribed by the department, a report that 3439
contains information about all of the following: 3440

(a) Classroom size; 3441

(b) The ratio of teachers to students per classroom; 3442

(c) The number of student-teacher meetings conducted in 3443
person or by video conference; 3444

(d) Any other information determined necessary by the 3445
department. 3446

(2) The department annually shall prepare and submit to the 3447
state board of education a report that contains the information 3448
received under division (D)(1) of this section. 3449

Sec. 3319.081. Except as otherwise provided in division (G) 3450
of this section, in all school districts wherein the provisions of 3451
Chapter 124. of the Revised Code do not apply, the following 3452
employment contract system shall control for employees whose 3453
contracts of employment are not otherwise provided by law: 3454

(A) Newly hired regular nonteaching school employees, 3455
including regular hourly rate and per diem employees, shall enter 3456
into written contracts for their employment which shall be for a 3457
period of not more than one year. If such employees are rehired, 3458
their three subsequent contracts shall be for a period of two 3459
years each. 3460

(B) After the termination of the third two-year contract 3461
provided in division (A) of this section, if the contract of a 3462
nonteaching employee is renewed, the employee shall be continued 3463
in employment, and the salary provided in the contract may be 3464
increased but not reduced unless such reduction is a part of a 3465
uniform plan affecting the nonteaching employees of the entire 3466
district. 3467

(C) The contracts as provided for in this section may be 3468
terminated by a majority vote of the board of education. Except as 3469
provided in sections 3319.0810 and 3319.172 of the Revised Code, 3470
the contracts may be terminated only for violation of written 3471
rules and regulations as set forth by the board of education or 3472
for incompetency, inefficiency, dishonesty, drunkenness, immoral 3473

conduct, insubordination, discourteous treatment of the public, 3474
neglect of duty, or any other acts of misfeasance, malfeasance, or 3475
nonfeasance. In addition to the right of the board of education to 3476
terminate the contract of an employee, the board may suspend an 3477
employee for a definite period of time or demote the employee for 3478
the reasons set forth in this division. The action of the board of 3479
education terminating the contract of an employee or suspending or 3480
demoting the employee shall be served upon the employee by 3481
certified mail, regular mail with a certificate of mailing, or 3482
other form of delivery with proof of delivery, including 3483
electronic delivery with electronic proof of delivery. Within ten 3484
days following the receipt of such notice by the employee, the 3485
employee may file an appeal, in writing, with the court of common 3486
pleas of the county in which such school board is situated. After 3487
hearing the appeal the common pleas court may affirm, disaffirm, 3488
or modify the action of the school board. 3489

A violation of division (A)(7) of section 2907.03 of the 3490
Revised Code is grounds for termination of employment of a 3491
nonteaching employee under this division. 3492

(D) All employees who have been employed by a school district 3493
where the provisions of Chapter 124. of the Revised Code do not 3494
apply, for a period of at least three years on November 24, 1967, 3495
shall hold continuing contracts of employment pursuant to this 3496
section. 3497

(E) Any nonteaching school employee may terminate the 3498
nonteaching school employee's contract of employment thirty days 3499
subsequent to the filing of a written notice of such termination 3500
with the treasurer of the board. 3501

(F) A person hired exclusively for the purpose of replacing a 3502
nonteaching school employee while such employee is on leave of 3503

absence granted under section 3319.13 of the Revised Code is not a 3504
regular nonteaching school employee under this section. 3505

(G) All nonteaching employees employed pursuant to this 3506
section and Chapter 124. of the Revised Code shall be paid for all 3507
time lost when the schools in which they are employed are closed 3508
owing to an epidemic or other public calamity. Nothing in this 3509
division shall be construed as requiring payment in excess of an 3510
employee's regular wage rate or salary for any time worked while 3511
the school in which the employee is employed is officially closed 3512
for the reasons set forth in this division. 3513

Sec. 3319.11. (A) As used in this section: 3514

(1) "Evaluation procedures" means the procedures required by 3515
the policy adopted pursuant to division (A) of section 3319.111 of 3516
the Revised Code. 3517

(2) "Limited contract" means a limited contract, as described 3518
in section 3319.08 of the Revised Code, that a school district 3519
board of education or governing board of an educational service 3520
center enters into with a teacher who is not eligible for 3521
continuing service status. 3522

(3) "Extended limited contract" means a limited contract, as 3523
described in section 3319.08 of the Revised Code, that a board of 3524
education or governing board enters into with a teacher who is 3525
eligible for continuing service status. 3526

(B) Teachers eligible for continuing service status in any 3527
city, exempted village, local, or joint vocational school district 3528
or educational service center shall be those teachers qualified as 3529
described in division (D) of section 3319.08 of the Revised Code, 3530
who within the last five years have taught for at least three 3531
years in the district or center, and those teachers who, having 3532

attained continuing contract status elsewhere, have served two 3533
years in the district or center, but the board, upon the 3534
recommendation of the superintendent, may at the time of 3535
employment or at any time within such two-year period, declare any 3536
of the latter teachers eligible. 3537

(1) Upon the recommendation of the superintendent that a 3538
teacher eligible for continuing service status be reemployed, a 3539
continuing contract shall be entered into between the board and 3540
the teacher unless the board by a three-fourths vote of its full 3541
membership rejects the recommendation of the superintendent. If 3542
the board rejects by a three-fourths vote of its full membership 3543
the recommendation of the superintendent that a teacher eligible 3544
for continuing service status be reemployed and the superintendent 3545
makes no recommendation to the board pursuant to division (C) of 3546
this section, the board may declare its intention not to reemploy 3547
the teacher by giving the teacher written notice on or before the 3548
first day of June of its intention not to reemploy the teacher. If 3549
evaluation procedures have not been complied with pursuant to 3550
section 3319.111 of the Revised Code or the board does not give 3551
the teacher written notice on or before the first day of June of 3552
its intention not to reemploy the teacher, the teacher is deemed 3553
reemployed under an extended limited contract for a term not to 3554
exceed one year at the same salary plus any increment provided by 3555
the salary schedule. The teacher is presumed to have accepted 3556
employment under the extended limited contract for a term not to 3557
exceed one year unless such teacher notifies the board in writing 3558
to the contrary on or before the fifteenth day of June, and an 3559
extended limited contract for a term not to exceed one year shall 3560
be executed accordingly. Upon any subsequent reemployment of the 3561
teacher only a continuing contract may be entered into. 3562

(2) If the superintendent recommends that a teacher eligible 3563

for continuing service status not be reemployed, the board may
declare its intention not to reemploy the teacher by giving the
teacher written notice on or before the first day of June of its
intention not to reemploy the teacher. If evaluation procedures
have not been complied with pursuant to section 3319.111 of the
Revised Code or the board does not give the teacher written notice
on or before the first day of June of its intention not to
reemploy the teacher, the teacher is deemed reemployed under an
extended limited contract for a term not to exceed one year at the
same salary plus any increment provided by the salary schedule.
The teacher is presumed to have accepted employment under the
extended limited contract for a term not to exceed one year unless
such teacher notifies the board in writing to the contrary on or
before the fifteenth day of June, and an extended limited contract
for a term not to exceed one year shall be executed accordingly.
Upon any subsequent reemployment of a teacher only a continuing
contract may be entered into.

(3) Any teacher receiving written notice of the intention of
a board not to reemploy such teacher pursuant to this division is
entitled to the hearing provisions of division (G) of this
section.

(C)(1) If a board rejects the recommendation of the
superintendent for reemployment of a teacher pursuant to division
(B)(1) of this section, the superintendent may recommend
reemployment of the teacher, if continuing service status has not
previously been attained elsewhere, under an extended limited
contract for a term not to exceed two years, provided that written
notice of the superintendent's intention to make such
recommendation has been given to the teacher with reasons directed
at the professional improvement of the teacher on or before the
first day of June. Upon subsequent reemployment of the teacher

only a continuing contract may be entered into. 3595

(2) If a board of education takes affirmative action on a 3596
superintendent's recommendation, made pursuant to division (C)(1) 3597
of this section, of an extended limited contract for a term not to 3598
exceed two years but the board does not give the teacher written 3599
notice of its affirmative action on the superintendent's 3600
recommendation of an extended limited contract on or before the 3601
first day of June, the teacher is deemed reemployed under a 3602
continuing contract at the same salary plus any increment provided 3603
by the salary schedule. The teacher is presumed to have accepted 3604
employment under such continuing contract unless such teacher 3605
notifies the board in writing to the contrary on or before the 3606
fifteenth day of June, and a continuing contract shall be executed 3607
accordingly. 3608

(3) A board shall not reject a superintendent's 3609
recommendation, made pursuant to division (C)(1) of this section, 3610
of an extended limited contract for a term not to exceed two years 3611
except by a three-fourths vote of its full membership. If a board 3612
rejects by a three-fourths vote of its full membership the 3613
recommendation of the superintendent of an extended limited 3614
contract for a term not to exceed two years, the board may declare 3615
its intention not to reemploy the teacher by giving the teacher 3616
written notice on or before the first day of June of its intention 3617
not to reemploy the teacher. If evaluation procedures have not 3618
been complied with pursuant to section 3319.111 of the Revised 3619
Code or if the board does not give the teacher written notice on 3620
or before the first day of June of its intention not to reemploy 3621
the teacher, the teacher is deemed reemployed under an extended 3622
limited contract for a term not to exceed one year at the same 3623
salary plus any increment provided by the salary schedule. The 3624
teacher is presumed to have accepted employment under the extended 3625

limited contract for a term not to exceed one year unless such 3626
teacher notifies the board in writing to the contrary on or before 3627
the fifteenth day of June, and an extended limited contract for a 3628
term not to exceed one year shall be executed accordingly. Upon 3629
any subsequent reemployment of the teacher only a continuing 3630
contract may be entered into. 3631

Any teacher receiving written notice of the intention of a 3632
board not to reemploy such teacher pursuant to this division is 3633
entitled to the hearing provisions of division (G) of this 3634
section. 3635

(D) A teacher eligible for continuing contract status 3636
employed under an extended limited contract pursuant to division 3637
(B) or (C) of this section, is, at the expiration of such extended 3638
limited contract, deemed reemployed under a continuing contract at 3639
the same salary plus any increment granted by the salary schedule, 3640
unless evaluation procedures have been complied with pursuant to 3641
section 3319.111 of the Revised Code and the employing board, 3642
acting on the superintendent's recommendation that the teacher not 3643
be reemployed, gives the teacher written notice on or before the 3644
first day of June of its intention not to reemploy such teacher. A 3645
teacher who does not have evaluation procedures applied in 3646
compliance with section 3319.111 of the Revised Code or who does 3647
not receive notice on or before the first day of June of the 3648
intention of the board not to reemploy such teacher is presumed to 3649
have accepted employment under a continuing contract unless such 3650
teacher notifies the board in writing to the contrary on or before 3651
the fifteenth day of June, and a continuing contract shall be 3652
executed accordingly. 3653

Any teacher receiving a written notice of the intention of a 3654
board not to reemploy such teacher pursuant to this division is 3655

entitled to the hearing provisions of division (G) of this 3656
section. 3657

(E) The board shall enter into a limited contract with each 3658
teacher employed by the board who is not eligible to be considered 3659
for a continuing contract. 3660

Any teacher employed under a limited contract, and not 3661
eligible to be considered for a continuing contract, is, at the 3662
expiration of such limited contract, considered reemployed under 3663
the provisions of this division at the same salary plus any 3664
increment provided by the salary schedule unless evaluation 3665
procedures have been complied with pursuant to section 3319.111 of 3666
the Revised Code and the employing board, acting upon the 3667
superintendent's written recommendation that the teacher not be 3668
reemployed, gives such teacher written notice of its intention not 3669
to reemploy such teacher on or before the first day of June. A 3670
teacher who does not have evaluation procedures applied in 3671
compliance with section 3319.111 of the Revised Code or who does 3672
not receive notice of the intention of the board not to reemploy 3673
such teacher on or before the first day of June is presumed to 3674
have accepted such employment unless such teacher notifies the 3675
board in writing to the contrary on or before the fifteenth day of 3676
June, and a written contract for the succeeding school year shall 3677
be executed accordingly. 3678

Any teacher receiving a written notice of the intention of a 3679
board not to reemploy such teacher pursuant to this division is 3680
entitled to the hearing provisions of division (G) of this 3681
section. 3682

(F) The failure of a superintendent to make a recommendation 3683
to the board under any of the conditions set forth in divisions 3684
(B) to (E) of this section, or the failure of the board to give 3685

such teacher a written notice pursuant to divisions (C) to (E) of 3686
this section shall not prejudice or prevent a teacher from being 3687
deemed reemployed under either a limited or continuing contract as 3688
the case may be under the provisions of this section. A failure of 3689
the parties to execute a written contract shall not void any 3690
automatic reemployment provisions of this section. 3691

(G)(1) Any teacher receiving written notice of the intention 3692
of a board of education not to reemploy such teacher pursuant to 3693
division (B), (C)(3), (D), or (E) of this section may, within ten 3694
days of the date of receipt of the notice, file with the treasurer 3695
of the board a written demand for a written statement describing 3696
the circumstances that led to the board's intention not to 3697
reemploy the teacher. 3698

(2) The treasurer of a board, on behalf of the board, shall, 3699
within ten days of the date of receipt of a written demand for a 3700
written statement pursuant to division (G)(1) of this section, 3701
provide to the teacher a written statement describing the 3702
circumstances that led to the board's intention not to reemploy 3703
the teacher. 3704

(3) Any teacher receiving a written statement describing the 3705
circumstances that led to the board's intention not to reemploy 3706
the teacher pursuant to division (G)(2) of this section may, 3707
within five days of the date of receipt of the statement, file 3708
with the treasurer of the board a written demand for a hearing 3709
before the board pursuant to divisions (G)(4) to (6) of this 3710
section. 3711

(4) The treasurer of a board, on behalf of the board, shall, 3712
within ten days of the date of receipt of a written demand for a 3713
hearing pursuant to division (G)(3) of this section, provide to 3714
the teacher a written notice setting forth the time, date, and 3715

place of the hearing. The board shall schedule and conclude the
hearing within forty days of the date on which the treasurer of
the board receives a written demand for a hearing pursuant to
division (G)(3) of this section.

(5) Any hearing conducted pursuant to this division shall be
conducted by a majority of the members of the board. The hearing
shall be held in executive session of the board unless the board
and the teacher agree to hold the hearing in public. The
superintendent, assistant superintendent, the teacher, and any
person designated by either party to take a record of the hearing
may be present at the hearing. The board may be represented by
counsel and the teacher may be represented by counsel or a
designee. A record of the hearing may be taken by either party at
the expense of the party taking the record.

(6) Within ten days of the conclusion of a hearing conducted
pursuant to this division, the board shall issue to the teacher a
written decision containing an order affirming the intention of
the board not to reemploy the teacher reported in the notice given
to the teacher pursuant to division (B), (C)(3), (D), or (E) of
this section or an order vacating the intention not to reemploy
and expunging any record of the intention, notice of the
intention, and the hearing conducted pursuant to this division.

(7) A teacher may appeal an order affirming the intention of
the board not to reemploy the teacher to the court of common pleas
of the county in which the largest portion of the territory of the
school district or service center is located, within thirty days
of the date on which the teacher receives the written decision, on
the grounds that the board has not complied with this section or
section 3319.111 of the Revised Code.

Notwithstanding section 2506.04 of the Revised Code, the

court in an appeal under this division is limited to the 3746
determination of procedural errors and to ordering the correction 3747
of procedural errors and shall have no jurisdiction to order a 3748
board to reemploy a teacher, except that the court may order a 3749
board to reemploy a teacher in compliance with the requirements of 3750
division (B), (C)(3), (D), or (E) of this section when the court 3751
determines that evaluation procedures have not been complied with 3752
pursuant to section 3319.111 of the Revised Code or the board has 3753
not given the teacher written notice on or before the first day of 3754
June of its intention not to reemploy the teacher pursuant to 3755
division (B), (C)(3), (D), or (E) of this section. Otherwise, the 3756
determination whether to reemploy or not reemploy a teacher is 3757
solely a board's determination and not a proper subject of 3758
judicial review and, except as provided in this division, no 3759
decision of a board whether to reemploy or not reemploy a teacher 3760
shall be invalidated by the court on any basis, including that the 3761
decision was not warranted by the results of any evaluation or was 3762
not warranted by any statement given pursuant to division (G)(2) 3763
of this section. 3764

No appeal of an order of a board may be made except as 3765
specified in this division. 3766

(H)(1) In giving a teacher any notice required by division 3767
(B), (C), (D), or (E) of this section, the board or the 3768
superintendent shall do either of the following: 3769

(a) Deliver the notice by personal service upon the teacher; 3770

(b) Deliver the notice by certified mail, return receipt 3771
requested, regular mail with a certificate of mailing, or other 3772
form of delivery with proof of delivery, addressed to the teacher 3773
at the teacher's place of employment and deliver a copy of the 3774
notice by certified mail, return receipt requested, regular mail 3775

with a certificate of mailing, or other form of delivery with 3776
proof of delivery, addressed to the teacher at the teacher's place 3777
of residence. Delivery of the notice required under division 3778
(H)(1)(b) of this section may be satisfied by electronic delivery 3779
with electronic proof of delivery. 3780

(2) In giving a board any notice required by division (B), 3781
(C), (D), or (E) of this section, the teacher shall do either of 3782
the following: 3783

(a) Deliver the notice by personal delivery to the office of 3784
the superintendent during regular business hours; 3785

(b) Deliver the notice by certified mail, return receipt 3786
requested, regular mail with a certificate of mailing, or other 3787
form of delivery with proof of delivery, addressed to the office 3788
of the superintendent and deliver a copy of the notice by 3789
certified mail, return receipt requested, regular mail with a 3790
certificate of mailing, or other form of delivery with proof of 3791
delivery, addressed to the president of the board at the 3792
president's place of residence. Delivery of the notice required 3793
under division (H)(2)(b) of this section may be satisfied by 3794
electronic delivery with electronic proof of delivery. 3795

(3) When any notice and copy of the notice are mailed 3796
pursuant to division (H)(1)(b) or (2)(b) of this section, the 3797
notice or copy of the notice with the earlier date of receipt 3798
shall constitute the notice for the purposes of division (B), (C), 3799
(D), or (E) of this section. 3800

(I) The provisions of this section shall not apply to any 3801
supplemental written contracts entered into pursuant to section 3802
3319.08 of the Revised Code. 3803

(J) Notwithstanding any provision to the contrary in Chapter 3804
4117. of the Revised Code, the dates set forth in this section as 3805

"on or before the first day of June" or "on or before the
 fifteenth day of June" prevail over any conflicting provisions of
 a collective bargaining agreement entered into on or after ~~the~~
~~effective date of this amendment~~ March 22, 2013.

Sec. 3319.16. The contract of any teacher employed by the
 board of education of any city, exempted village, local, county,
 or joint vocational school district may not be terminated except
 for good and just cause. Notwithstanding any provision to the
 contrary in Chapter 4117. of the Revised Code, the provisions of
 this section relating to the grounds for termination of the
 contract of a teacher prevail over any conflicting provisions of a
 collective bargaining agreement entered into after ~~the effective~~
~~date of this amendment~~ October 16, 2009.

Before terminating any contract, the employing board shall
 furnish the teacher a written notice signed by its treasurer of
 its intention to consider the termination of the teacher's
 contract with full specification of the grounds for such
 consideration. The board shall not proceed with formal action to
 terminate the contract until after the tenth day after receipt of
 the notice by the teacher. Within ten days after receipt of the
 notice from the treasurer of the board, the teacher may file with
 the treasurer a written demand for a hearing before the board or
 before a referee, and the board shall set a time for the hearing
 which shall be within thirty days from the date of receipt of the
 written demand, and the treasurer shall give the teacher at least
 twenty days' notice in writing of the time and place of the
 hearing. If a referee is demanded by either the teacher or board,
 the treasurer also shall give twenty days' notice to the
 superintendent of public instruction. No hearing shall be held
 during the summer vacation without the teacher's consent. The

hearing shall be private unless the teacher requests a public 3836
hearing. The hearing shall be conducted by a referee appointed 3837
pursuant to section 3319.161 of the Revised Code, if demanded; 3838
otherwise, it shall be conducted by a majority of the members of 3839
the board and shall be confined to the grounds given for the 3840
termination. The board shall provide for a complete ~~stenographic~~ 3841
record of the proceedings, a copy of the record to be furnished to 3842
the teacher. The board may suspend a teacher pending final action 3843
to terminate the teacher's contract if, in its judgment, the 3844
character of the charges warrants such action. 3845

Both parties may be present at such hearing, be represented 3846
by counsel, require witnesses to be under oath, cross-examine 3847
witnesses, take a record of the proceedings, and require the 3848
presence of witnesses in their behalf upon subpoena to be issued 3849
by the treasurer of the board. In case of the failure of any 3850
person to comply with a subpoena, a judge of the court of common 3851
pleas of the county in which the person resides, upon application 3852
of any interested party, shall compel attendance of the person by 3853
attachment proceedings as for contempt. Any member of the board or 3854
the referee may administer oaths to witnesses. After a hearing by 3855
a referee, the referee shall file a report within ten days after 3856
the termination of the hearing. After consideration of the 3857
referee's report, the board, by a majority vote, may accept or 3858
reject the referee's recommendation on the termination of the 3859
teacher's contract. After a hearing by the board, the board, by 3860
majority vote, may enter its determination upon its minutes. Any 3861
order of termination of a contract shall state the grounds for 3862
termination. If the decision, after hearing, is against 3863
termination of the contract, the charges and the record of the 3864
hearing shall be physically expunged from the minutes, and, if the 3865
teacher has suffered any loss of salary by reason of being 3866

suspended, the teacher shall be paid the teacher's full salary for 3867
the period of such suspension. 3868

Any teacher affected by an order of termination of contract 3869
may appeal to the court of common pleas of the county in which the 3870
school is located within thirty days after receipt of notice of 3871
the entry of such order. The appeal shall be an original action in 3872
the court and shall be commenced by the filing of a complaint 3873
against the board, in which complaint the facts shall be alleged 3874
upon which the teacher relies for a reversal or modification of 3875
such order of termination of contract. Upon service or waiver of 3876
summons in that appeal, the board immediately shall transmit to 3877
the clerk of the court for filing a transcript of the original 3878
papers filed with the board, a certified copy of the minutes of 3879
the board into which the termination finding was entered, and a 3880
certified transcript of all evidence adduced at the hearing or 3881
hearings before the board or a certified transcript of all 3882
evidence adduced at the hearing or hearings before the referee, 3883
whereupon the cause shall be at issue without further pleading and 3884
shall be advanced and heard without delay. The court shall examine 3885
the transcript and record of the hearing and shall hold such 3886
additional hearings as it considers advisable, at which it may 3887
consider other evidence in addition to the transcript and record. 3888

Upon final hearing, the court shall grant or deny the relief 3889
prayed for in the complaint as may be proper in accordance with 3890
the evidence adduced in the hearing. Such an action is a special 3891
proceeding, and either the teacher or the board may appeal from 3892
the decision of the court of common pleas pursuant to the Rules of 3893
Appellate Procedure and, to the extent not in conflict with those 3894
rules, Chapter 2505. of the Revised Code. 3895

In any court action, the board may utilize the services of 3896

the prosecuting attorney, village solicitor, city director of law, 3897
 or other chief legal officer of a municipal corporation as 3898
 authorized by section 3313.35 of the Revised Code, or may employ 3899
 other legal counsel. 3900

A violation of division (A)(7) of section 2907.03 of the 3901
 Revised Code is grounds for termination of a teacher contract 3902
 under this section. 3903

Sec. 3319.291. (A) The state board of education shall require 3904
 each of the following persons, at the times prescribed by division 3905
 (A) of this section, to undergo a criminal records check, unless 3906
 the person has undergone a records check under this section or a 3907
 former version of this section less than five years prior to that 3908
 time. 3909

(1) Any person initially applying for any certificate, 3910
 license, or permit described in this chapter or in division (B) of 3911
 section 3301.071 or in section 3301.074 of the Revised Code at the 3912
 time that application is made; 3913

(2) Any person applying for renewal of any certificate, 3914
 license, or permit described in division (A)(1) of this section at 3915
 the time that application is made; 3916

(3) Any person who is teaching under a professional teaching 3917
 certificate issued under former section 3319.222 of the Revised 3918
 Code upon a date prescribed by the state board; 3919

(4) Any person who is teaching under a permanent teaching 3920
 certificate issued under former section 3319.22 as it existed 3921
 prior to October 29, 1996, or under former section 3319.222 of the 3922
 Revised Code upon a date prescribed by the state board and every 3923
 five years thereafter. 3924

(B)(1) Except as otherwise provided in division (B)(2) of 3925
this section, the state board shall require each person subject to 3926
a criminal records check under this section to submit two complete 3927
sets of fingerprints and written permission that authorizes the 3928
superintendent of public instruction to forward the fingerprints 3929
to the bureau of criminal identification and investigation 3930
pursuant to division (F) of section 109.57 of the Revised Code and 3931
that authorizes that bureau to forward the fingerprints to the 3932
federal bureau of investigation for purposes of obtaining any 3933
criminal records that the federal bureau maintains on the person. 3934

(2) If both of the following conditions apply to a person 3935
subject to a criminal records check under this section, the state 3936
board shall require the person to submit one complete set of 3937
fingerprints and written permission that authorizes the 3938
superintendent of public instruction to forward the fingerprints 3939
to the bureau of criminal identification and investigation so that 3940
bureau may forward the fingerprints to the federal bureau of 3941
investigation for purposes of obtaining any criminal records that 3942
the federal bureau maintains on the person: 3943

(a) Under this section or any former version of this section, 3944
the state board or the superintendent of public instruction 3945
previously requested the superintendent of the bureau of criminal 3946
identification and investigation to determine whether the bureau 3947
has any information, gathered pursuant to division (A) of section 3948
109.57 of the Revised Code, on the person. 3949

(b) The person presents proof that the person has been a 3950
resident of this state for the five-year period immediately prior 3951
to the date upon which the person becomes subject to a criminal 3952
records check under this section. 3953

(C) Except as provided in division (D) of this section, prior 3954

to issuing or renewing any certificate, license, or permit for a
person described in division (A)(1) or (2) of this section who is
subject to a criminal records check and in the case of a person
described in division (A)(3) or (4) of this section who is subject
to a criminal records check, the state board or the superintendent
of public instruction shall do one of the following:

(1) If the person is required to submit fingerprints and
written permission under division (B)(1) of this section, request
the superintendent of the bureau of criminal identification and
investigation to determine whether the bureau has any information,
gathered pursuant to division (A) of section 109.57 of the Revised
Code, pertaining to the person and to obtain any criminal records
that the federal bureau of investigation has on the person.

(2) If the person is required to submit fingerprints and
written permission under division (B)(2) of this section, request
the superintendent of the bureau of criminal identification and
investigation to obtain any criminal records that the federal
bureau of investigation has on the person.

(D) The state board or the superintendent of public
instruction may choose not to request any information about a
person required by division (C) of this section if the person
provides proof that a criminal records check that satisfies the
requirements of that division was conducted on the person as a
condition of employment pursuant to section 3319.39 of the Revised
Code within the immediately preceding year. The state board or the
superintendent of public instruction may accept a certified copy
of records that were issued by the bureau of criminal
identification and investigation and that are presented by the
person in lieu of requesting that information under division (C)
of this section if the records were issued by the bureau within

the immediately preceding year. 3985

(E)(1) If a person described in division (A)(3) or (4) of 3986
this section who is subject to a criminal records check fails to 3987
submit fingerprints and written permission by the date specified 3988
in the applicable division, and the state board or the 3989
superintendent of public instruction does not apply division (D) 3990
of this section to the person, or if a person who is subject to 3991
division (G) of this section fails to submit fingerprints and 3992
written permission by the date prescribed under that division, the 3993
superintendent shall prepare a written notice to be sent to the 3994
person by mail or electronically stating that if the person does 3995
not submit the fingerprints and written permission within fifteen 3996
days after the date the notice was mailed or sent electronically, 3997
the person's application will be rejected or the person's 3998
professional or permanent teaching certificate or license will be 3999
inactivated. The superintendent shall send the notification by 4000
regular mail to the person's last known residence address or last 4001
known place of employment, as indicated in the department of 4002
education's records, or both. If the notice is sent 4003
electronically, the notification shall be sent via electronic mail 4004
to the person's last known electronic mail address. 4005

If the person fails to submit the fingerprints and written 4006
permission within fifteen days after the date the notice was 4007
mailed, the superintendent of public instruction, on behalf of the 4008
state board, shall issue a written order rejecting the application 4009
or inactivating the person's professional or permanent teaching 4010
certificate or license. The rejection or inactivation shall remain 4011
in effect until the person submits the fingerprints and written 4012
permission. The superintendent shall send the order by regular 4013
mail or electronic mail to the person's last known residence 4014
address, last known electronic mail address, or last known place 4015

of employment, as indicated in the department's records, ~~or both~~. 4016
The order shall state the reason for the rejection or inactivation 4017
and shall explain that the rejection or inactivation remains in 4018
effect until the person submits the fingerprints and written 4019
permission. 4020

The rejection or inactivation of a professional or permanent 4021
teaching certificate or license under division (E)(1) of this 4022
section does not constitute a suspension or revocation of the 4023
certificate or license by the state board under section 3319.31 of 4024
the Revised Code and the state board and the superintendent of 4025
public instruction need not provide the person with an opportunity 4026
for a hearing with respect to the rejection or inactivation. 4027

(2) If a person whose professional or permanent teaching 4028
certificate or license has been rejected or inactivated under 4029
division (E)(1) of this section submits fingerprints and written 4030
permission as required by division (B) or (G) of this section, the 4031
superintendent of public instruction, on behalf of the state 4032
board, shall issue a written order issuing or reactivating the 4033
certificate or license. The superintendent shall send the order to 4034
the person by regular mail or electronic mail. 4035

(F) Notwithstanding divisions (A) to (C) of this section, if 4036
a person holds more than one certificate, license, or permit 4037
described in division (A)(1) of this section, the following shall 4038
apply: 4039

(1) If the certificates, licenses, or permits are of 4040
different durations, the person shall be subject to divisions (A) 4041
to (C) of this section only when applying for renewal of the 4042
certificate, license, or permit that is of the longest duration. 4043
Prior to renewing any certificate, license, or permit with a 4044
shorter duration, the state board or the superintendent of public 4045

instruction shall determine whether the department of education 4046
has received any information about the person pursuant to section 4047
109.5721 of the Revised Code, but the person shall not be subject 4048
to divisions (A) to (C) of this section as long as the person's 4049
certificate, license, or permit with the longest duration is 4050
valid. 4051

(2) If the certificates, licenses, or permits are of the same 4052
duration but do not expire in the same year, the person shall 4053
designate one of the certificates, licenses, or permits as the 4054
person's primary certificate, license, or permit and shall notify 4055
the department of that designation. The person shall be subject to 4056
divisions (A) to (C) of this section only when applying for 4057
renewal of the person's primary certificate, license, or permit. 4058
Prior to renewing any certificate, license, or permit that is not 4059
the person's primary certificate, license, or permit, the state 4060
board or the superintendent of public instruction shall determine 4061
whether the department has received any information about the 4062
person pursuant to section 109.5721 of the Revised Code, but the 4063
person shall not be subject to divisions (A) to (C) of this 4064
section as long as the person's primary certificate, license, or 4065
permit is valid. 4066

(3) If the certificates, licenses, or permits are of the same 4067
duration and expire in the same year and the person applies for 4068
renewal of the certificates, licenses, or permits at the same 4069
time, the state board or the superintendent of public instruction 4070
shall request only one criminal records check of the person under 4071
division (C) of this section. 4072

(G) If the department is unable to enroll a person who has 4073
submitted an application for licensure, or to whom the state board 4074
has issued a license, in the retained applicant fingerprint 4075

database established under section 109.5721 of the Revised Code 4076
because the person has not satisfied the requirements for 4077
enrollment, the department shall require the person to satisfy the 4078
requirements for enrollment, including requiring the person to 4079
submit, by a date prescribed by the department, one complete set 4080
of fingerprints and written permission that authorizes the 4081
superintendent of public instruction to forward the fingerprints 4082
to the bureau of criminal identification and investigation for the 4083
purpose of enrolling the person in the database. If the person 4084
fails to comply by the prescribed date, the department shall 4085
reject the application or shall take action to inactivate the 4086
person's license in accordance with division (E) of this section. 4087

Sec. 3319.311. (A)(1) The state board of education, or the 4088
superintendent of public instruction on behalf of the board, may 4089
investigate any information received about a person that 4090
reasonably appears to be a basis for action under section 3319.31 4091
of the Revised Code, including information received pursuant to 4092
section 3314.40, 3319.291, 3319.313, 3326.24, 3328.19, 5126.253, 4093
or 5153.176 of the Revised Code. Except as provided in division 4094
(A)(2) of this section, the board shall contract with the office 4095
of the Ohio attorney general to conduct any investigation of that 4096
nature. The board shall pay for the costs of the contract only 4097
from moneys in the state board of education licensure fund 4098
established under section 3319.51 of the Revised Code. Except as 4099
provided in division (A)(2) of this section, all information 4100
received pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 4101
3328.19, 5126.253, or 5153.176 of the Revised Code, and all 4102
information obtained during an investigation is confidential and 4103
is not a public record under section 149.43 of the Revised Code. 4104
If an investigation is conducted under this division regarding 4105

information received about a person and no action is taken against 4106
the person under this section or section 3319.31 of the Revised 4107
Code within two years of the completion of the investigation, all 4108
records of the investigation shall be expunged. 4109

(2) In the case of a person about whom the board has learned 4110
of a plea of guilty to, finding of guilt by a jury or court of, or 4111
a conviction of an offense listed in division (C) of section 4112
3319.31 of the Revised Code, or substantially comparable conduct 4113
occurring in a jurisdiction outside this state, the board or the 4114
superintendent of public instruction need not conduct any further 4115
investigation and shall take the action required by division (C) 4116
or (F) of that section. Except as provided in division (G) of this 4117
section, all information obtained by the board or the 4118
superintendent of public instruction pertaining to the action is a 4119
public record under section 149.43 of the Revised Code. 4120

(B) The superintendent of public instruction shall review the 4121
results of each investigation of a person conducted under division 4122
(A)(1) of this section and shall determine, on behalf of the state 4123
board, whether the results warrant initiating action under 4124
division (B) of section 3319.31 of the Revised Code. The 4125
superintendent shall advise the board of such determination at a 4126
meeting of the board. Within fourteen days of the next meeting of 4127
the board, any member of the board may ask that the question of 4128
initiating action under section 3319.31 of the Revised Code be 4129
placed on the board's agenda for that next meeting. Prior to 4130
initiating that action against any person, the person's name and 4131
any other personally identifiable information shall remain 4132
confidential. 4133

(C) The board shall take no action against a person under 4134
division (B) of section 3319.31 of the Revised Code without 4135
providing the person with written notice of the charges and with 4136

an opportunity for a hearing in accordance with Chapter 119. of 4137
the Revised Code. 4138

(D) For purposes of an investigation under division (A)(1) of 4139
this section or a hearing under division (C) of this section or 4140
under division (E)(2) of section 3319.31 of the Revised Code, the 4141
board, or the superintendent on behalf of the board, may 4142
administer oaths, order the taking of depositions, issue 4143
subpoenas, and compel the attendance of witnesses and the 4144
production of books, accounts, papers, records, documents, and 4145
testimony. The issuance of subpoenas under this division may be by 4146
certified mail, regular mail with a certificate of mailing, or 4147
other form of delivery with proof of delivery, including 4148
electronic delivery with electronic proof of delivery, or personal 4149
delivery to the person. 4150

(E) The superintendent, on behalf of the board, may enter 4151
into a consent agreement with a person against whom action is 4152
being taken under division (B) of section 3319.31 of the Revised 4153
Code. The board may adopt rules governing the superintendent's 4154
action under this division. 4155

(F) No surrender of a license shall be effective until the 4156
board takes action to accept the surrender unless the surrender is 4157
pursuant to a consent agreement entered into under division (E) of 4158
this section. 4159

(G) The name of any person who is not required to report 4160
information under section 3314.40, 3319.313, 3326.24, 3328.19, 4161
5126.253, or 5153.176 of the Revised Code, but who in good faith 4162
provides information to the state board or superintendent of 4163
public instruction about alleged misconduct committed by a person 4164
who holds a license or has applied for issuance or renewal of a 4165
license, shall be confidential and shall not be released. Any such 4166

person shall be immune from any civil liability that otherwise
might be incurred or imposed for injury, death, or loss to person
or property as a result of the provision of that information.

(H)(1) No person shall knowingly make a false report to the
superintendent of public instruction or the state board of
education alleging misconduct by an employee of a public or
chartered nonpublic school or an employee of the operator of a
community school established under Chapter 3314. or a
college-preparatory boarding school established under Chapter
3328. of the Revised Code.

(2)(a) In any civil action brought against a person in which
it is alleged and proved that the person violated division (H)(1)
of this section, the court shall award the prevailing party
reasonable attorney's fees and costs that the prevailing party
incurred in the civil action or as a result of the false report
that was the basis of the violation.

(b) If a person is convicted of or pleads guilty to a
violation of division (H)(1) of this section, if the subject of
the false report that was the basis of the violation was charged
with any violation of a law or ordinance as a result of the false
report, and if the subject of the false report is found not to be
guilty of the charges brought against the subject as a result of
the false report or those charges are dismissed, the court that
sentences the person for the violation of division (H)(1) of this
section, as part of the sentence, shall order the person to pay
restitution to the subject of the false report, in an amount equal
to reasonable attorney's fees and costs that the subject of the
false report incurred as a result of or in relation to the
charges.

Sec. 3321.13. (A) Whenever any child of compulsory school age 4196
 withdraws from school the teacher of that child shall ascertain 4197
 the reason for withdrawal. The fact of the withdrawal and the 4198
 reason for it shall be immediately transmitted by the teacher to 4199
 the superintendent of the city, local, or exempted village school 4200
 district. If the child who has withdrawn from school has done so 4201
 because of change of residence, the next residence shall be 4202
 ascertained and shall be included in the notice thus transmitted. 4203
 The superintendent shall thereupon forward a card showing the 4204
 essential facts regarding the child and stating the place of the 4205
 child's new residence to the superintendent of schools of the 4206
 district to which the child has moved. 4207

The superintendent of public instruction may prescribe the 4208
 forms to be used in the operation of this division. 4209

(B)(1) Upon receipt of information that a child of compulsory 4210
 school age has withdrawn from school for a reason other than 4211
 because of change of residence and is not enrolled in and 4212
 attending in accordance with school policy an approved program to 4213
 obtain a diploma or its equivalent, the superintendent shall 4214
 notify the registrar of motor vehicles and the juvenile judge of 4215
 the county in which the district is located of the withdrawal and 4216
 failure to enroll in and attend an approved program to obtain a 4217
 diploma or its equivalent. A notification to the registrar 4218
 required by this division shall be given in the manner the 4219
 registrar by rule requires and a notification to the juvenile 4220
 judge required by this division shall be given in writing. Each 4221
 notification shall be given within two weeks after the withdrawal 4222
 and failure to enroll in and attend an approved program or its 4223
 equivalent. 4224

(2) The board of education of a school district may adopt a 4225

4226 resolution providing that the provisions of division (B)(2) of
4227 this section apply within the district. The provisions of division
4228 (B)(2) of this section do not apply within any school district,
4229 and no superintendent of a school district shall send a
4230 notification of the type described in division (B)(2) of this
4231 section to the registrar of motor vehicles or the juvenile judge
4232 of the county in which the district is located, unless the board
4233 of education of the district has adopted such a resolution. If the
4234 board of education of a school district adopts a resolution
4235 providing that the provisions of division (B)(2) of this section
4236 apply within the district, and if the superintendent of schools of
4237 that district receives information that, during any semester or
4238 term, a child of compulsory school age has been absent without
4239 legitimate excuse from the school the child is supposed to attend
4240 for more than sixty consecutive hours in a single month or for at
4241 least ninety hours in a school year, the superintendent shall
4242 notify the child and the child's parent, guardian, or custodian,
4243 in writing, that the information has been provided to the
4244 superintendent, that as a result of that information the child's
4245 temporary instruction permit or driver's license will be suspended
4246 or the opportunity to obtain such a permit or license will be
4247 denied, and that the child and the child's parent, guardian, or
4248 custodian may ~~appear in person~~ participate in a hearing at a
4249 scheduled date, time, and place ~~before~~ conducted by the
4250 superintendent or a designee to challenge the information provided
4251 to the superintendent. The hearing may be conducted by electronic
4252 means if requested by the child's parent, guardian, or custodian.

4253 The notification to the child and the child's parent,
4254 guardian, or custodian required by division (B)(2) of this section
4255 shall set forth the information received by the superintendent and
4256 shall inform the child and the child's parent, guardian, or

custodian of the scheduled date, time, and ~~place~~ participation 4257
method of the ~~appearance that they may have~~ hearing before the 4258
superintendent or a designee. The date scheduled for the 4259
~~appearance~~ hearing shall be no earlier than three and no later 4260
than five days after the notification is given, provided that an 4261
extension may be granted upon request of the child or the child's 4262
parent, guardian, or custodian. If an extension is granted, the 4263
superintendent shall schedule a new date, time, and ~~place~~ method 4264
for the ~~appearance~~ hearing and shall inform the child and the 4265
child's parent, guardian, or custodian of the new date, time, and 4266
~~place~~ method. 4267

If the child and the child's parent, guardian, or custodian 4268
do not appear before the superintendent or a designee on the 4269
scheduled date and ~~at~~ for the scheduled ~~time and place~~ hearing, or 4270
if the child and the child's parent, guardian, or custodian appear 4271
before the superintendent or a designee on the scheduled date and 4272
at the scheduled time ~~and place~~ but the superintendent or a 4273
designee determines that the information the superintendent 4274
received indicating that, during the semester or term, the child 4275
had been absent without legitimate excuse from the school the 4276
child was supposed to attend for more than sixty consecutive hours 4277
or for at least ninety total hours, the superintendent shall 4278
notify the registrar of motor vehicles and the juvenile judge of 4279
the county in which the district is located that the child has 4280
been absent for that period of time and that the child does not 4281
have any legitimate excuse for the habitual absence. A 4282
notification to the registrar required by this division shall be 4283
given in the manner the registrar by rule requires and a 4284
notification to the juvenile judge required by this division shall 4285
be given in writing. Each notification shall be given within two 4286
weeks after the receipt of the information of the habitual absence 4287

from school without legitimate excuse, or, if the child and the 4288
child's parent, guardian, or custodian appear before the 4289
superintendent or a designee to challenge the information, within 4290
two weeks after the ~~appearance~~ hearing. 4291

For purposes of division (B)(2) of this section, a legitimate 4292
excuse for absence from school includes, but is not limited to, 4293
the fact that the child in question has enrolled in another school 4294
or school district in this or another state, the fact that the 4295
child in question was excused from attendance for any of the 4296
reasons specified in section 3321.04 of the Revised Code, or the 4297
fact that the child in question has received an age and schooling 4298
certificate in accordance with section 3331.01 of the Revised 4299
Code. 4300

(3) Whenever a pupil is suspended or expelled from school 4301
pursuant to section 3313.66 of the Revised Code and the reason for 4302
the suspension or expulsion is the use or possession of alcohol, a 4303
drug of abuse, or alcohol and a drug of abuse, the superintendent 4304
of schools of that district may notify the registrar and the 4305
juvenile judge of the county in which the district is located of 4306
such suspension or expulsion. Any such notification of suspension 4307
or expulsion shall be given to the registrar, in the manner the 4308
registrar by rule requires and shall be given to the juvenile 4309
judge in writing. The notifications shall be given within two 4310
weeks after the suspension or expulsion. 4311

(4) Whenever a pupil is suspended, expelled, removed, or 4312
permanently excluded from a school for misconduct included in a 4313
policy that the board of education of a city, exempted village, or 4314
local school district has adopted under division (A) of section 4315
3313.661 of the Revised Code, and the misconduct involves a 4316
firearm or a knife or other weapon as defined in that policy, the 4317
superintendent of schools of that district shall notify the 4318

registrar and the juvenile judge of the county in which the
district is located of the suspension, expulsion, removal, or
permanent exclusion. The notification shall be given to the
registrar in the manner the registrar, by rule, requires and shall
be given to the juvenile judge in writing. The notifications shall
be given within two weeks after the suspension, expulsion,
removal, or permanent exclusion.

(C) A notification of withdrawal, habitual absence without
legitimate excuse, suspension, or expulsion given to the registrar
or a juvenile judge under division (B)(1), (2), (3), or (4) of
this section shall contain the name, address, date of birth,
school, and school district of the child. If the superintendent
finds, after giving a notification of withdrawal, habitual absence
without legitimate excuse, suspension, or expulsion to the
registrar and the juvenile judge under division (B)(1), (2), (3),
or (4) of this section, that the notification was given in error,
the superintendent immediately shall notify the registrar and the
juvenile judge of that fact.

Sec. 3321.21. A notice under section 3321.19 or 3321.20 of
the Revised Code, sent by registered mail, regular mail with a
certificate of mailing, or other form of delivery with proof of
delivery, including electronic delivery and electronic proof of
delivery, is a legal notice.

Sec. 3704.03. The director of environmental protection may do
any of the following:

(A) Develop programs for the prevention, control, and
abatement of air pollution;

(B) Advise, consult, contract, and cooperate with any

governmental or private agency in the furtherance of the purposes 4347
of this chapter; 4348

(C) Encourage, participate in, or conduct studies, 4349
investigations, and research relating to air pollution, collect 4350
and disseminate information, and conduct education and training 4351
programs relating to the causes, prevention, control, and 4352
abatement of air pollution; 4353

(D) Adopt, modify, and rescind rules prescribing ambient air 4354
quality standards for the state as a whole or for various areas of 4355
the state that are consistent with and no more stringent than the 4356
national ambient air quality standards in effect under the federal 4357
Clean Air Act; 4358

(E) Adopt, modify, suspend, and rescind rules for the 4359
prevention, control, and abatement of air pollution, including 4360
rules prescribing for the state as a whole or for various areas of 4361
the state emission standards for air contaminants, and other 4362
necessary rules for the purpose of achieving and maintaining 4363
compliance with ambient air quality standards in all areas within 4364
the state as expeditiously as practicable, but not later than any 4365
deadlines applicable under the federal Clean Air Act; rules for 4366
the prevention or control of the emission of hazardous or toxic 4367
air contaminants; rules prescribing fugitive dust limitations and 4368
standards that are related, on an areawide basis, to attainment 4369
and maintenance of ambient air quality standards; rules 4370
prescribing shade, density, or opacity limitations and standards 4371
for emissions, provided that with regard to air contaminant 4372
sources for which there are particulate matter emission standards 4373
in addition to a shade, density, or opacity rule, upon 4374
demonstration by such a source of compliance with those other 4375
standards, the shade, density, or opacity rule shall provide for 4376

establishment of a shade, density, or opacity limitation for that 4377
source that does not require the source to reduce emissions below 4378
the level specified by those other standards; rules for the 4379
prevention or control of odors and air pollution nuisances; rules 4380
that prevent significant deterioration of air quality to the 4381
extent required by the federal Clean Air Act; rules for the 4382
protection of visibility as required by the federal Clean Air Act; 4383
and rules prescribing open burning limitations and standards. In 4384
adopting, modifying, suspending, or rescinding any such rules, the 4385
director, to the extent consistent with the federal Clean Air Act, 4386
shall hear and give consideration to evidence relating to all of 4387
the following: 4388

(1) Conditions calculated to result from compliance with the 4389
rules, the overall cost within this state of compliance with the 4390
rules, and their relation to benefits to the people of the state 4391
to be derived from that compliance; 4392

(2) The quantity and characteristics of air contaminants, the 4393
frequency and duration of their presence in the ambient air, and 4394
the dispersion and dilution of those contaminants; 4395

(3) Topography, prevailing wind directions and velocities, 4396
physical conditions, and other factors that may or may combine to 4397
affect air pollution. 4398

Consistent with division (K) of section 3704.036 of the 4399
Revised Code, the director shall consider alternative emission 4400
limits proposed by the owner or operator of an air contaminant 4401
source that is subject to an emission limit established in rules 4402
adopted under this division and shall accept those alternative 4403
emission limits that the director determines to be equivalent to 4404
emission limits established in rules adopted under this division. 4405

(F)(1) Adopt, modify, suspend, and rescind rules consistent 4406

with the purposes of this chapter prohibiting the location, 4407
installation, construction, or modification of any air contaminant 4408
source or any machine, equipment, device, apparatus, or physical 4409
facility intended primarily to prevent or control the emission of 4410
air contaminants unless an installation permit therefor has been 4411
obtained from the director or the director's authorized 4412
representative. 4413

(2)(a) Applications for installation permits shall be 4414
accompanied by plans, specifications, construction schedules, and 4415
such other pertinent information and data, including data on 4416
ambient air quality impact and a demonstration of best available 4417
technology, as the director may require. Installation permits 4418
shall be issued for a period specified by the director and are 4419
transferable. The director shall specify in each permit the 4420
applicable emission standards and that the permit is conditioned 4421
upon payment of the applicable fees as required by section 3745.11 4422
of the Revised Code and upon the right of the director's 4423
authorized representatives to enter upon the premises of the 4424
person to whom the permit has been issued, at any reasonable time 4425
and subject to safety requirements of the person in control of the 4426
premises, for the purpose of determining compliance with such 4427
standards, this chapter, the rules adopted thereunder, and the 4428
conditions of any permit, variance, or order issued thereunder. 4429
Each proposed new or modified air contaminant source shall provide 4430
such notice of its proposed installation or modification to other 4431
states as is required under the federal Clean Air Act. 4432
Installation permits shall include the authorization to operate 4433
sources installed and operated in accordance with terms and 4434
conditions of the installation permits for a period not to exceed 4435
one year from commencement of operation, which authorization shall 4436
constitute an operating permit under division (G) of this section 4437

and rules adopted under it. 4438

No installation permit shall be required for activities that 4439
are subject to and in compliance with a plant-wide applicability 4440
limit issued by the director in accordance with rules adopted 4441
under this section. 4442

No installation permit shall be issued except in accordance 4443
with all requirements of this chapter and rules adopted 4444
thereunder. No application shall be denied or permit revoked or 4445
modified without a written order stating the findings upon which 4446
denial, revocation, or modification is based. A copy of the order 4447
shall be sent to the applicant or permit holder by certified mail. 4448

(b) An air contaminant source that is the subject of an 4449
installation permit shall be installed or modified in accordance 4450
with the permit not later than eighteen months after the permit's 4451
effective date at which point the permit shall terminate unless 4452
one of the following applies: 4453

(i) The owner or operator has undertaken a continuing program 4454
of installation or modification during the eighteen-month period. 4455

(ii) The owner or operator has entered into a binding 4456
contractual obligation to undertake and complete within a 4457
reasonable period of time a continuing program of installation or 4458
modification of the air contaminant source during the 4459
eighteen-month period. 4460

(iii) The director has extended the date by which the air 4461
contaminant source that is the subject of the installation permit 4462
must be installed or modified. 4463

(iv) The installation permit is the subject of an appeal by a 4464
party other than the owner or operator of the air contaminant 4465
source that is the subject of the installation permit, in which 4466

case the date of termination of the permit is not later than 4467
eighteen months after the effective date of the permit plus the 4468
number of days between the date in which the permit was appealed 4469
and the date on which all appeals concerning the permit have been 4470
resolved. 4471

(v) The installation permit has been superseded by a 4472
subsequent installation permit, in which case the original 4473
installation permit terminates on the effective date of the 4474
superseding installation permit. 4475

Division (F)(2)(b) of this section applies to an installation 4476
permit that has not terminated as of ~~the effective date of this~~ 4477
~~amendment~~ October 16, 2009. 4478

The director may adopt rules in accordance with Chapter 119. 4479
of the Revised Code for the purpose of establishing additional 4480
requirements that are necessary for the implementation of division 4481
(F)(2)(b) of this section. 4482

(3) Not later than two years after August 3, 2006, the 4483
director shall adopt a rule in accordance with Chapter 119. of the 4484
Revised Code specifying that a permit to install is required only 4485
for new or modified air contaminant sources that emit any of the 4486
following air contaminants: 4487

(a) An air contaminant or precursor of an air contaminant for 4488
which a national ambient air quality standard has been adopted 4489
under the federal Clean Air Act; 4490

(b) An air contaminant for which the air contaminant source 4491
is regulated under the federal Clean Air Act; 4492

(c) An air contaminant that presents, or may present, through 4493
inhalation or other routes of exposure, a threat of adverse human 4494
health effects, including, but not limited to, substances that are 4495

known to be, or may reasonably be anticipated to be, carcinogenic, 4496
mutagenic, teratogenic, or neurotoxic, that cause reproductive 4497
dysfunction, or that are acutely or chronically toxic, or a threat 4498
of adverse environmental effects whether through ambient 4499
concentrations, bioaccumulation, deposition, or otherwise, and 4500
that is identified in the rule by chemical name and chemical 4501
abstract service number. 4502

The director may modify the rule adopted under division 4503
(F)(3)(c) of this section for the purpose of adding or deleting 4504
air contaminants. For each air contaminant that is contained in or 4505
deleted from the rule adopted under division (F)(3)(c) of this 4506
section, the director shall include in a notice accompanying any 4507
proposed or final rule an explanation of the director's 4508
determination that the air contaminant meets the criteria 4509
established in that division and should be added to, or no longer 4510
meets the criteria and should be deleted from, the list of air 4511
contaminants. The explanation shall include an identification of 4512
the scientific evidence on which the director relied in making the 4513
determination. Until adoption of the rule under division (F)(3)(c) 4514
of this section, nothing shall affect the director's authority to 4515
issue, deny, modify, or revoke permits to install under this 4516
chapter and rules adopted under it. 4517

(4)(a) Applications for permits to install new or modified 4518
air contaminant sources shall contain sufficient information 4519
regarding air contaminants for which the director may require a 4520
permit to install to determine conformity with the environmental 4521
protection agency's document entitled "Review of New Sources of 4522
Air Toxics Emissions, Option A," dated May 1986, which the 4523
director shall use to evaluate toxic emissions from new or 4524
modified air contaminant sources. The director shall make copies 4525
of the document available to the public upon request at no cost 4526

and post the document on the environmental protection agency's web 4527
site. Any inconsistency between the document and division (F)(4) 4528
of this section shall be resolved in favor of division (F)(4) of 4529
this section. 4530

(b) The maximum acceptable ground level concentration of an 4531
air contaminant shall be calculated in accordance with the 4532
document entitled "Review of New Sources of Air Toxics Emissions, 4533
Option A." Modeling shall be conducted to determine the increase 4534
in the ground level concentration of an air contaminant beyond the 4535
facility's boundary caused by the emissions from a new or modified 4536
source that is the subject of an application for a permit to 4537
install. Modeling shall be based on the maximum hourly rate of 4538
emissions from the source using information including, but not 4539
limited to, any emission control devices or methods, operational 4540
restrictions, stack parameters, and emission dispersion devices or 4541
methods that may affect ground level concentrations, either 4542
individually or in combination. The director shall determine 4543
whether the activities for which a permit to install is sought 4544
will cause an increase in the ground level concentration of one or 4545
more relevant air contaminants beyond the facility's boundary by 4546
an amount in excess of the maximum acceptable ground level 4547
concentration. In making the determination as to whether the 4548
maximum acceptable ground level concentration will be exceeded, 4549
the director shall give consideration to the modeling conducted 4550
under division (F)(4)(b) of this section and other relevant 4551
information submitted by the applicant. 4552

(c) If the modeling conducted under division (F)(4)(b) of 4553
this section with respect to an application for a permit to 4554
install demonstrates that the maximum ground level concentration 4555
from a new or modified source will be greater than or equal to 4556
eighty per cent, but less than one hundred per cent of the maximum 4557

acceptable ground level concentration for an air contaminant, the
director may establish terms and conditions in the permit to
install for the air contaminant source that will require the owner
or operator of the air contaminant source to maintain emissions of
that air contaminant commensurate with the modeled level, which
shall be expressed as allowable emissions per day. In order to
calculate the allowable emissions per day, the director shall
multiply the hourly emission rate modeled under division (F)(4)(b)
of this section to determine the ground level concentration by the
operating schedule that has been identified in the permit to
install application. Terms and conditions imposed under division
(F)(4)(c) of this section are not federally enforceable
requirements and, if included in a Title V permit, shall be placed
in the portion of the permit that is only enforceable by the
state.

(d) If the modeling conducted under division (F)(4)(b) of
this section with respect to an application for a permit to
install demonstrates that the maximum ground level concentration
from a new or modified source will be less than eighty per cent of
the maximum acceptable ground level concentration, the owner or
operator of the source annually shall report to the director, on a
form prescribed by the director, whether operations of the source
are consistent with the information regarding the operations that
was used to conduct the modeling with regard to the permit to
install application. The annual report to the director shall be in
lieu of an emission limit or other permit terms and conditions
imposed pursuant to division (F)(4) of this section. The director
may consider any significant departure from the operations of the
source described in the permit to install application that results
in greater emissions than the emissions rate modeled to determine
the ground level concentration as a modification and require the

owner or operator to submit a permit to install application for 4589
the increased emissions. The requirements established in division 4590
(F)(4)(d) of this section are not federally enforceable 4591
requirements and, if included in a Title V permit, shall be placed 4592
in the portion of the permit that is only enforceable by the 4593
state. 4594

(e) Division (F)(4) of this section and the document entitled 4595
"Review of New Sources of Air Toxics Emissions, Option A" shall 4596
not be included in the state implementation plan under section 110 4597
of the federal Clean Air Act and do not apply to an air 4598
contaminant source that is subject to a maximum achievable control 4599
technology standard or residual risk standard under section 112 of 4600
the federal Clean Air Act, to a particular air contaminant 4601
identified under 40 C.F.R. 51.166, division (b)(23), for which the 4602
director has determined that the owner or operator of the source 4603
is required to install best available control technology for that 4604
particular air contaminant, or to a particular air contaminant for 4605
which the director has determined that the source is required to 4606
meet the lowest achievable emission rate, as defined in 40 C.F.R. 4607
part 51, Appendix S, for that particular air contaminant. 4608

(f)(i) Division (F)(4) of this section and the document 4609
entitled "Review of New Sources of Air Toxics Emissions, Option A" 4610
do not apply to parking lots, storage piles, storage tanks, 4611
transfer operations, grain silos, grain dryers, emergency 4612
generators, gasoline dispensing operations, air contaminant 4613
sources that emit air contaminants solely from the combustion of 4614
fossil fuels, or the emission of wood dust, sand, glass dust, coal 4615
dust, silica, and grain dust. 4616

(ii) Notwithstanding division (F)(4)(f)(i) of this section, 4617
the director may require an individual air contaminant source that 4618

is within one of the source categories identified in division 4619
(F)(4)(f)(i) of this section to submit information in an 4620
application for a permit to install a new or modified source in 4621
order to determine the source's conformity to the document if the 4622
director has information to conclude that the particular new or 4623
modified source will potentially cause an increase in ground level 4624
concentration beyond the facility's boundary that exceeds the 4625
maximum acceptable ground level concentration as set forth in the 4626
document. 4627

(iii) The director may adopt rules in accordance with Chapter 4628
119. of the Revised Code that are consistent with the purposes of 4629
this chapter and that add to or delete from the source category 4630
exemptions established in division (F)(4)(f)(i) of this section. 4631

(5) Not later than one year after August 3, 2006, the 4632
director shall adopt rules in accordance with Chapter 119. of the 4633
Revised Code specifying activities that do not, by themselves, 4634
constitute beginning actual construction activities related to the 4635
installation or modification of an air contaminant source for 4636
which a permit to install is required such as the grading and 4637
clearing of land, on-site storage of portable parts and equipment, 4638
and the construction of foundations or buildings that do not 4639
themselves emit air contaminants. The rules also shall allow 4640
specified initial activities that are part of the installation or 4641
modification of an air contaminant source, such as the 4642
installation of electrical and other utilities for the source, 4643
prior to issuance of a permit to install, provided that the owner 4644
or operator of the source has filed a complete application for a 4645
permit to install, the director or the director's designee has 4646
determined that the application is complete, and the owner or 4647
operator of the source has notified the director that this 4648
activity will be undertaken prior to the issuance of a permit to 4649

install. Any activity that is undertaken by the source under those 4650
rules shall be at the risk of the owner or operator. The rules 4651
shall not apply to activities that are precluded prior to permit 4652
issuance under section 111, section 112, Part C of Title I, and 4653
Part D of Title I of the federal Clean Air Act. 4654

(G) Adopt, modify, suspend, and rescind rules prohibiting the 4655
operation or other use of any new, modified, or existing air 4656
contaminant source unless an operating permit has been obtained 4657
from the director or the director's authorized representative, or 4658
the air contaminant source is being operated in compliance with 4659
the conditions of a variance issued pursuant to division (H) of 4660
this section. Applications for operating permits shall be 4661
accompanied by such plans, specifications, and other pertinent 4662
information as the director may require. Operating permits may be 4663
issued for a period determined by the director not to exceed ten 4664
years, are renewable, and are transferable. The director shall 4665
specify in each operating permit that the permit is conditioned 4666
upon payment of the applicable fees as required by section 3745.11 4667
of the Revised Code and upon the right of the director's 4668
authorized representatives to enter upon the premises of the 4669
person to whom the permit has been issued, at any reasonable time 4670
and subject to safety requirements of the person in control of the 4671
premises, for the purpose of determining compliance with this 4672
chapter, the rules adopted thereunder, and the conditions of any 4673
permit, variance, or order issued thereunder. Operating permits 4674
may be denied or revoked for failure to comply with this chapter 4675
or the rules adopted thereunder. An operating permit shall be 4676
issued only upon a showing satisfactory to the director or the 4677
director's representative that the air contaminant source is being 4678
operated in compliance with applicable emission standards and 4679
other rules or upon submission of a schedule of compliance 4680

satisfactory to the director for a source that is not in 4681
compliance with all applicable requirements at the time of permit 4682
issuance, provided that the compliance schedule shall be 4683
consistent with and at least as stringent as that contained in any 4684
judicial consent decree or administrative order to which the air 4685
contaminant source is subject. The rules shall provide for the 4686
issuance of conditional operating permits for such reasonable 4687
periods as the director may determine to allow the holder of an 4688
installation permit, who has constructed, installed, located, or 4689
modified a new air contaminant source in accordance with the 4690
provisions of an installation permit, to make adjustments or 4691
modifications necessary to enable the new air contaminant source 4692
to comply with applicable emission standards and other rules. 4693
Terms and conditions of operating permits issued pursuant to this 4694
division shall be federally enforceable for the purpose of 4695
establishing the potential to emit of a stationary source and 4696
shall be expressly designated as federally enforceable. Any such 4697
federally enforceable restrictions on a source's potential to emit 4698
shall include both an annual limit and a short-term limit of not 4699
more than thirty days for each pollutant to be restricted together 4700
with adequate methods for establishing compliance with the 4701
restrictions. In other respects, operating permits issued pursuant 4702
to this division are enforceable as state law only. No application 4703
shall be denied or permit revoked or modified without a written 4704
order stating the findings upon which denial, revocation, or 4705
modification is based. A copy of the order shall be sent to the 4706
applicant or permit holder by certified mail. 4707

(H) Adopt, modify, and rescind rules governing the issuance, 4708
revocation, modification, or denial of variances that authorize 4709
emissions in excess of the applicable emission standards. 4710

No variance shall be issued except pursuant to those rules. 4711

The rules shall prescribe conditions and criteria in furtherance
of the purposes of this chapter and consistent with the federal
Clean Air Act governing eligibility for issuance of variances,
which shall include all of the following:

(1) Provisions requiring consistency of emissions authorized
by a variance with timely attainment and maintenance of ambient
air quality standards;

(2) Provisions prescribing the classes and categories of air
contaminants and air contaminant sources for which variances may
be issued;

(3) Provisions defining the circumstances under which an
applicant shall demonstrate that compliance with applicable
emission standards is technically infeasible, economically
unreasonable, or impossible because of conditions beyond the
control of the applicant;

(4) Other provisions prescribed in furtherance of the goals
of this chapter.

The rules shall prohibit the issuance of variances from any
emission limitation that was applicable to a source pursuant to an
installation permit and shall prohibit issuance of variances that
conflict with the federal Clean Air Act.

Applications for variances shall be accompanied by such
information as the director may require. In issuing variances, the
director may order the person to whom a variance is issued to
furnish plans and specifications and such other information and
data, including interim reports, as the director may require and
to proceed to take such action within such time as the director
may determine to be appropriate and reasonable to prevent,
control, or abate the person's existing emissions of air

contaminants. The director shall specify in each variance that the
variance is conditioned upon payment of the applicable fees as
required by section 3745.11 of the Revised Code and upon the right
of the director's authorized representatives to enter upon the
premises of the person to whom the variance has been issued, at
any reasonable time and subject to safety requirements of the
person in control of the premises, for the purpose of determining
compliance with this chapter, the rules adopted thereunder, and
the conditions of any permit, variance, or order issued
thereunder.

The director may hold a public hearing on an application for
a variance or renewal thereof at a location in the county where
the variance is sought. The director shall give not less than
twenty days' notice of the hearing to the applicant by certified
mail or another type of mail accompanied by a receipt ~~and~~. The
director also shall cause at least one publication of notice in a
newspaper with general circulation in the county where the
variance is sought or may instead provide public notice by
publication on the environmental protection agency's web site. The
director shall keep available for public inspection at the
principal office of the environmental protection agency a current
schedule of pending applications for variances and a current
schedule of pending variance hearings. The director shall make a
complete stenographic record or electronic record of testimony and
other evidence submitted at the hearing. The director shall make a
written determination to issue, renew, or deny the variance and
shall enter the determination and the basis therefor into the
record of the hearing. The director shall issue, renew, or deny an
application for a variance or renewal thereof, or issue a proposed
action upon the application pursuant to section 3745.07 of the
Revised Code, within six months of the date upon which the

director receives a complete application with all pertinent 4772
information and data required by the director. 4773

Any variance granted pursuant to rules adopted under this 4774
division shall be for a period specified by the director, not to 4775
exceed three years, and may be renewed from time to time on such 4776
terms and for such periods, not to exceed three years each, as the 4777
director determines to be appropriate. A variance may be revoked, 4778
or renewal denied, for failure to comply with conditions specified 4779
in the variance. No variance shall be issued, denied, revoked, or 4780
modified without a written order stating the findings upon which 4781
the issuance, denial, revocation, or modification is based. A copy 4782
of the order shall be sent to the applicant or variance holder by 4783
certified mail. 4784

(I) Require the owner or operator of an air contaminant 4785
source to install, employ, maintain, and operate such emissions, 4786
ambient air quality, meteorological, or other monitoring devices 4787
or methods as the director shall prescribe; to sample those 4788
emissions at such locations, at such intervals, and in such manner 4789
as the director prescribes; to maintain records and file periodic 4790
reports with the director containing information as to location, 4791
size, and height of emission outlets, rate, duration, and 4792
composition of emissions, and any other pertinent information the 4793
director prescribes; and to provide such written notice to other 4794
states as the director shall prescribe. In requiring monitoring 4795
devices, records, and reports, the director, to the extent 4796
consistent with the federal Clean Air Act, shall give 4797
consideration to technical feasibility and economic reasonableness 4798
and allow reasonable time for compliance. For sources where a 4799
specific monitoring, record-keeping, or reporting requirement is 4800
specified for a particular air contaminant from a particular air 4801
contaminant source in an applicable regulation adopted by the 4802

United States environmental protection agency under the federal 4803
Clean Air Act or in an applicable rule adopted by the director, 4804
the director shall not impose an additional requirement in a 4805
permit that is a different monitoring, record-keeping, or 4806
reporting requirement other than the requirement specified in the 4807
applicable regulation or rule for that air contaminant except as 4808
otherwise agreed to by the owner or operator of the air 4809
contaminant source and the director. If two or more regulations or 4810
rules impose different monitoring, record-keeping, or reporting 4811
requirements for the same air contaminant from the same air 4812
contaminant source, the director may impose permit terms and 4813
conditions that consolidate or streamline the monitoring, 4814
record-keeping, or reporting requirements in a manner that 4815
conforms with each applicable requirement. To the extent 4816
consistent with the federal Clean Air Act and except as otherwise 4817
agreed to by the owner or operator of an air contaminant source 4818
and the director, the director shall not require an operating 4819
restriction that has the practical effect of increasing the 4820
stringency of an existing applicable emission limitation or 4821
standard. 4822

(J) Establish, operate, and maintain monitoring stations and 4823
other devices designed to measure air pollution and enter into 4824
contracts with any public or private agency for the establishment, 4825
operation, or maintenance of such stations and devices; 4826

(K) By rule adopt procedures for giving reasonable public 4827
notice and conducting public hearings on any plans for the 4828
prevention, control, and abatement of air pollution that the 4829
director is required to submit to the federal government; 4830

(L) Through any employee, agent, or authorized representative 4831
of the director or the environmental protection agency, enter upon 4832

private or public property, including improvements thereon, at any
reasonable time, to make inspections, take samples, conduct tests,
and examine records or reports pertaining to any emission of air
contaminants and any monitoring equipment or methods and to
determine if there are any actual or potential emissions from such
premises and, if so, to determine the sources, amounts, contents,
and extent of those emissions, or to ascertain whether there is
compliance with this chapter, any orders issued or rules adopted
thereunder, or any other determination of the director. The
director, at reasonable times, may have access to and copy any
such records. If entry or inspection authorized by this division
is refused, hindered, or thwarted, the director or the director's
authorized representative may by affidavit apply for, and any
judge of a court of record may issue, an appropriate inspection
warrant necessary to achieve the purposes of this chapter within
the court's territorial jurisdiction.

(M) Accept and administer gifts or grants from the federal
government and from any other source, public or private, for
carrying out any of the functions under this chapter;

(N) Obtain necessary scientific, technical, and laboratory
services;

(O) Establish advisory boards in accordance with section
121.13 of the Revised Code;

(P) Delegate to any city or general health district or
political subdivision of the state any of the director's
enforcement and monitoring powers and duties, other than
rule-making powers, as the director elects to delegate, and in
addition employ, compensate, and prescribe the powers and duties
of such officers, employees, and consultants as are necessary to
enable the director to exercise the authority and perform duties

imposed upon the director by law. Technical and other services 4863
shall be performed, insofar as practical, by personnel of the 4864
environmental protection agency. 4865

(Q) Certify to the government of the United States or any 4866
agency thereof that an industrial air pollution facility is in 4867
conformity with the state program or requirements for control of 4868
air pollution whenever such certificate is required for a taxpayer 4869
pursuant to any federal law or requirements; 4870

(R) Issue, modify, or revoke orders requiring abatement of or 4871
prohibiting emissions that violate applicable emission standards 4872
or other requirements of this chapter and rules adopted 4873
thereunder, or requiring emission control devices or measures in 4874
order to comply with applicable emission standards or other 4875
requirements of this chapter and rules adopted thereunder. Any 4876
such order shall require compliance with applicable emission 4877
standards by a specified date and shall not conflict with any 4878
requirement of the federal Clean Air Act. In the making of such 4879
orders, the director, to the extent consistent with the federal 4880
Clean Air Act, shall give consideration to, and base the 4881
determination on, evidence relating to the technical feasibility 4882
and economic reasonableness of compliance with such orders and 4883
their relation to benefits to the people of the state to be 4884
derived from such compliance. If, under the federal Clean Air Act, 4885
any such order shall provide for the posting of a bond or surety 4886
to secure compliance with the order as a condition of issuance of 4887
the order, the order shall so provide, but only to the extent 4888
required by the federal Clean Air Act. 4889

(S) To the extent provided by the federal Clean Air Act, 4890
adopt, modify, and rescind rules providing for the administrative 4891
assessment and collection of monetary penalties, not in excess of 4892

those required pursuant to the federal Clean Air Act, for failure 4893
to comply with any emission limitation or standard, compliance 4894
schedule, or other requirement of any rule, order, permit, or 4895
variance issued or adopted under this chapter or required under 4896
the applicable implementation plan whether or not the source is 4897
subject to a federal or state consent decree. The director may 4898
require the submission of compliance schedules, calculations of 4899
penalties for noncompliance, and related information. Any orders, 4900
payments, sanctions, or other requirements imposed pursuant to 4901
rules adopted under this division shall be in addition to any 4902
other permits, orders, payments, sanctions, or other requirements 4903
established under this chapter and shall not affect any civil or 4904
criminal enforcement proceedings brought under any provision of 4905
this chapter or any other provision of state or local law. This 4906
division does not apply to any requirement of this chapter 4907
regarding the prevention or abatement of odors. 4908

(T) Require new or modified air contaminant sources to 4909
install best available technology, but only in accordance with 4910
this division. With respect to permits issued pursuant to division 4911
(F) of this section beginning three years after August 3, 2006, 4912
best available technology for air contaminant sources and air 4913
contaminants emitted by those sources that are subject to 4914
standards adopted under section 112, Part C of Title I, and Part D 4915
of Title I of the federal Clean Air Act shall be equivalent to and 4916
no more stringent than those standards. For an air contaminant or 4917
precursor of an air contaminant for which a national ambient air 4918
quality standard has been adopted under the federal Clean Air Act, 4919
best available technology only shall be required to the extent 4920
required by rules adopted under Chapter 119. of the Revised Code 4921
for permit to install applications filed three or more years after 4922
August 3, 2006. 4923

Best available technology requirements established in rules 4924
adopted under this division shall be expressed only in one of the 4925
following ways that is most appropriate for the applicable source 4926
or source categories: 4927

(1) Work practices; 4928

(2) Source design characteristics or design efficiency of 4929
applicable air contaminant control devices; 4930

(3) Raw material specifications or throughput limitations 4931
averaged over a twelve-month rolling period; 4932

(4) Monthly allowable emissions averaged over a twelve-month 4933
rolling period. 4934

Best available technology requirements shall not apply to an 4935
air contaminant source that has the potential to emit, taking into 4936
account air pollution controls installed on the source, less than 4937
ten tons per year of emissions of an air contaminant or precursor 4938
of an air contaminant for which a national ambient air quality 4939
standard has been adopted under the federal Clean Air Act. In 4940
addition, best available technology requirements established in 4941
rules adopted under this division shall not apply to any existing, 4942
new, or modified air contaminant source that is subject to a 4943
plant-wide applicability limit that has been approved by the 4944
director. Further, best available technology requirements 4945
established in rules adopted under this division shall not apply 4946
to general permits issued prior to January 1, 2006, under rules 4947
adopted under this chapter. 4948

For permits to install issued three or more years after 4949
August 3, 2006, any new or modified air contaminant source that 4950
has the potential to emit, taking into account air pollution 4951
controls installed on the source, ten or more tons per year of 4952

volatile organic compounds or nitrogen oxides shall meet, at a
minimum, the requirements of any applicable reasonably available
control technology rule in effect as of January 1, 2006,
regardless of the location of the source.

(U) Consistent with section 507 of the federal Clean Air Act,
adopt, modify, suspend, and rescind rules for the establishment of
a small business stationary source technical and environmental
compliance assistance program as provided in section 3704.18 of
the Revised Code;

(V) Provide for emissions trading, marketable permits,
auctions of emission rights, and economic incentives that would
reduce the cost or increase the efficiency of achieving a
specified level of environmental protection;

(W) Provide for the construction of an air contaminant source
prior to obtaining a permit to install pursuant to division (F) of
this section if the applicant demonstrates that the source will be
installed to comply with all applicable emission limits and will
not adversely affect public health or safety or the environment
and if the director determines that such an action will avoid an
unreasonable hardship on the owner or operator of the source. Any
such determination shall be consistent with the federal Clean Air
Act.

(X) Exercise all incidental powers, including adoption of
rules, required to carry out this chapter.

The environmental protection agency shall develop a plan to
control air pollution resulting from state-operated facilities and
property.

Sec. 3734.02. (A) The director of environmental protection,
in accordance with Chapter 119. of the Revised Code, shall adopt

and may amend, suspend, or rescind rules having uniform 4982
 application throughout the state governing solid waste facilities 4983
 and the inspections of and issuance of permits and licenses for 4984
 all solid waste facilities in order to ensure that the facilities 4985
 will be located, maintained, and operated, and will undergo 4986
 closure and post-closure care, in a sanitary manner so as not to 4987
 create a nuisance, cause or contribute to water pollution, create 4988
 a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 4989
 257.3-8, as amended. The rules may include, without limitation, 4990
 financial assurance requirements for closure and post-closure care 4991
 and corrective action and requirements for taking corrective 4992
 action in the event of the surface or subsurface discharge or 4993
 migration of explosive gases or leachate from a solid waste 4994
 facility, or of ground water contamination resulting from the 4995
 transfer or disposal of solid wastes at a facility, beyond the 4996
 boundaries of any area within a facility that is operating or is 4997
 undergoing closure or post-closure care where solid wastes were 4998
 disposed of or are being disposed of. The rules shall not concern 4999
 or relate to personnel policies, salaries, wages, fringe benefits, 5000
 or other conditions of employment of employees of persons owning 5001
 or operating solid waste facilities. The director, in accordance 5002
 with Chapter 119. of the Revised Code, shall adopt and may amend, 5003
 suspend, or rescind rules governing the issuance, modification, 5004
 revocation, suspension, or denial of variances from the director's 5005
 solid waste rules, including, without limitation, rules adopted 5006
 under this chapter governing the management of scrap tires. 5007

Variances shall be issued, modified, revoked, suspended, or 5008
 rescinded in accordance with this division, rules adopted under 5009
 it, and Chapter 3745. of the Revised Code. The director may order 5010
 the person to whom a variance is issued to take such action within 5011
 such time as the director may determine to be appropriate and 5012

reasonable to prevent the creation of a nuisance or a hazard to
the public health or safety or the environment. Applications for
variances shall contain such detail plans, specifications, and
information regarding objectives, procedures, controls, and other
pertinent data as the director may require. The director shall
grant a variance only if the applicant demonstrates to the
director's satisfaction that construction and operation of the
solid waste facility in the manner allowed by the variance and any
terms or conditions imposed as part of the variance will not
create a nuisance or a hazard to the public health or safety or
the environment. In granting any variance, the director shall
state the specific provision or provisions whose terms are to be
varied and also shall state specific terms or conditions imposed
upon the applicant in place of the provision or provisions.

The director may hold a public hearing on an application for
a variance or renewal of a variance at a location in the county
where the operations that are the subject of the application for
the variance are conducted. The director shall give not less than
twenty days' notice of the hearing to the applicant by certified
mail or by another type of mail accompanied by a receipt ~~and~~. The
director shall publish at least one notice of the hearing in a
newspaper with general circulation in the county where the hearing
is to be held or may instead provide public notice by publication
on the environmental protection agency's web site. The director
shall make available for public inspection at the principal office
of the environmental protection agency a current list of pending
applications for variances and a current schedule of pending
variance hearings. The director shall make a complete stenographic
record or electronic record of testimony and other evidence
submitted at the hearing.

Within ten days after the hearing, the director shall make a

written determination to issue, renew, or deny the variance and shall enter the determination and the basis for it into the record of the hearing. The director shall issue, renew, or deny an application for a variance or renewal of a variance within six months of the date upon which the director receives a complete application with all pertinent information and data required. No variance shall be issued, revoked, modified, or denied until the director has considered the relative interests of the applicant, other persons and property affected by the variance, and the general public. Any variance granted under this division shall be for a period specified by the director and may be renewed from time to time on such terms and for such periods as the director determines to be appropriate. No application shall be denied and no variance shall be revoked or modified without a written order stating the findings upon which the denial, revocation, or modification is based. A copy of the order shall be sent to the applicant or variance holder by certified mail or by another type of mail accompanied by a receipt.

(B) The director shall prescribe and furnish the forms necessary to administer and enforce this chapter. The director may cooperate with and enter into agreements with other state, local, or federal agencies to carry out the purposes of this chapter. The director may exercise all incidental powers necessary to carry out the purposes of this chapter.

(C) Except as provided in this division and divisions (N)(2) and (3) of this section, no person shall establish a new solid waste facility or infectious waste treatment facility, or modify an existing solid waste facility or infectious waste treatment facility, without submitting an application for a permit with accompanying detail plans, specifications, and information regarding the facility and method of operation and receiving a

permit issued by the director, except that no permit shall be 5075
 required under this division to install or operate a solid waste 5076
 facility for sewage sludge treatment or disposal when the 5077
 treatment or disposal is authorized by a current permit issued 5078
 under Chapter 3704. or 6111. of the Revised Code. 5079

No person shall continue to operate a solid waste facility 5080
 for which the director has disapproved plans and specifications 5081
 required to be filed by an order issued under division (A)(3) of 5082
 section 3734.05 of the Revised Code, after the date prescribed for 5083
 commencement of closure of the facility in the order issued under 5084
 division (A)(4) of that section denying the permit application or 5085
 approval. 5086

On and after the effective date of the rules adopted under 5087
 division (A) of this section and division (D) of section 3734.12 5088
 of the Revised Code governing solid waste transfer facilities, no 5089
 person shall establish a new, or modify an existing, solid waste 5090
 transfer facility without first submitting an application for a 5091
 permit with accompanying engineering detail plans, specifications, 5092
 and information regarding the facility and its method of operation 5093
 to the director and receiving a permit issued by the director. 5094

No person shall establish a new compost facility or continue 5095
 to operate an existing compost facility that accepts exclusively 5096
 source separated yard wastes without submitting a completed 5097
 registration for the facility to the director in accordance with 5098
 rules adopted under divisions (A) and (N)(3) of this section. 5099

This division does not apply to a generator of infectious 5100
 wastes that does any of the following: 5101

(1) Treats, by methods, techniques, and practices established 5102
 by rules adopted under division (B)(2)(a) of section 3734.021 of 5103
 the Revised Code, any of the following: 5104

(a) Infectious wastes that are generated on any premises that are owned or operated by the generator;	5105 5106
(b) Infectious wastes that are generated by a generator who has staff privileges at a hospital as defined in section 3727.01 of the Revised Code;	5107 5108 5109
(c) Infectious wastes that are generated in providing care to a patient by an emergency medical services organization as defined in section 4765.01 of the Revised Code.	5110 5111 5112
(2) Holds a license or renewal of a license to operate a crematory facility issued under Chapter 4717. and a permit issued under Chapter 3704. of the Revised Code;	5113 5114 5115
(3) Treats or disposes of dead animals or parts thereof, or the blood of animals, and is subject to any of the following:	5116 5117
(a) Inspection under the "Federal Meat Inspection Act," 81 Stat. 584 (1967), 21 U.S.C.A. 603, as amended;	5118 5119
(b) Chapter 918. of the Revised Code;	5120
(c) Chapter 953. of the Revised Code.	5121
(D) Neither this chapter nor any rules adopted under it apply to single-family residential premises; to infectious wastes generated by individuals for purposes of their own care or treatment; to the temporary storage of solid wastes, other than scrap tires, prior to their collection for disposal; to the storage of one hundred or fewer scrap tires unless they are stored in such a manner that, in the judgment of the director or the board of health of the health district in which the scrap tires are stored, the storage causes a nuisance, a hazard to public health or safety, or a fire hazard; or to the collection of solid wastes, other than scrap tires, by a political subdivision or a person holding a franchise or license from a political subdivision	5122 5123 5124 5125 5126 5127 5128 5129 5130 5131 5132 5133

of the state; to composting, as defined in section 1511.01 of the
Revised Code, conducted in accordance with section 1511.022 of the
Revised Code; or to any person who is licensed to transport raw
rendering material to a compost facility pursuant to section
953.23 of the Revised Code.

(E)(1) As used in this division:

(a) "On-site facility" means a facility that stores, treats,
or disposes of hazardous waste that is generated on the premises
of the facility.

(b) "Off-site facility" means a facility that stores, treats,
or disposes of hazardous waste that is generated off the premises
of the facility and includes such a facility that is also an
on-site facility.

(c) "Satellite facility" means any of the following:

(i) An on-site facility that also receives hazardous waste
from other premises owned by the same person who generates the
waste on the facility premises;

(ii) An off-site facility operated so that all of the
hazardous waste it receives is generated on one or more premises
owned by the person who owns the facility;

(iii) An on-site facility that also receives hazardous waste
that is transported uninterruptedly and directly to the facility
through a pipeline from a generator who is not the owner of the
facility.

(2) Except as provided in division (E)(3) of this section, no
person shall establish or operate a hazardous waste facility, or
use a solid waste facility for the storage, treatment, or disposal
of any hazardous waste, without a hazardous waste facility
installation and operation permit issued in accordance with

section 3734.05 of the Revised Code and subject to the payment of 5163
 an application fee not to exceed one thousand five hundred 5164
 dollars, payable upon application for a hazardous waste facility 5165
 installation and operation permit and upon application for a 5166
 renewal permit issued under division (H) of section 3734.05 of the 5167
 Revised Code, to be credited to the hazardous waste facility 5168
 management fund created in section 3734.18 of the Revised Code. 5169
 The term of a hazardous waste facility installation and operation 5170
 permit shall not exceed ten years. 5171

In addition to the application fee, there is hereby levied an 5172
 annual permit fee to be paid by the permit holder upon the 5173
 anniversaries of the date of issuance of the hazardous waste 5174
 facility installation and operation permit and of any subsequent 5175
 renewal permits and to be credited to the hazardous waste facility 5176
 management fund. Annual permit fees totaling forty thousand 5177
 dollars or more for any one facility may be paid on a quarterly 5178
 basis with the first quarterly payment each year being due on the 5179
 anniversary of the date of issuance of the hazardous waste 5180
 facility installation and operation permit and of any subsequent 5181
 renewal permits. The annual permit fee shall be determined for 5182
 each permit holder by the director in accordance with the 5183
 following schedule: 5184

TYPE OF BASIC			5185
MANAGEMENT UNIT	TYPE OF FACILITY	FEE	5186
Storage facility using:			5187
Containers	On-site, off-site, and		5188
	satellite	\$ 500	5189
Tanks	On-site, off-site, and		5190
	satellite	500	5191
Waste pile	On-site, off-site, and		5192
	satellite	3,000	5193

Surface impoundment	On-site and satellite	8,000	5194
	Off-site	10,000	5195
Disposal facility using:			5196
Deep well injection	On-site and satellite	15,000	5197
	Off-site	25,000	5198
Landfill	On-site and satellite	25,000	5199
	Off-site	40,000	5200
Land application	On-site and satellite	2,500	5201
	Off-site	5,000	5202
Surface impoundment	On-site and satellite	10,000	5203
	Off-site	20,000	5204
Treatment facility using:			5205
Tanks	On-site, off-site, and		5206
	satellite	700	5207
Surface impoundment	On-site and satellite	8,000	5208
	Off-site	10,000	5209
Incinerator	On-site and satellite	5,000	5210
	Off-site	10,000	5211
Other forms			5212
of treatment	On-site, off-site, and		5213
	satellite	1,000	5214

A hazardous waste disposal facility that disposes of hazardous waste by deep well injection and that pays the annual permit fee established in section 6111.046 of the Revised Code is not subject to the permit fee established in this division for disposal facilities using deep well injection unless the director determines that the facility is not in compliance with applicable requirements established under this chapter and rules adopted under it.

In determining the annual permit fee required by this section, the director shall not require additional payments for

multiple units of the same method of storage, treatment, or disposal or for individual units that are used for both storage and treatment. A facility using more than one method of storage, treatment, or disposal shall pay the permit fee indicated by the schedule for each such method.

The director shall not require the payment of that portion of an annual permit fee of any permit holder that would apply to a hazardous waste management unit for which a permit has been issued, but for which construction has not yet commenced. Once construction has commenced, the director shall require the payment of a part of the appropriate fee indicated by the schedule that bears the same relationship to the total fee that the number of days remaining until the next anniversary date at which payment of the annual permit fee is due bears to three hundred sixty-five.

The director, by rules adopted in accordance with Chapters 119. and 3745. of the Revised Code, shall prescribe procedures for collecting the annual permit fee established by this division and may prescribe other requirements necessary to carry out this division.

(3) The prohibition against establishing or operating a hazardous waste facility without a hazardous waste facility installation and operation permit does not apply to either of the following:

(a) A facility that is operating in accordance with a permit renewal issued under division (H) of section 3734.05 of the Revised Code, a revision issued under division (I) of that section as it existed prior to August 20, 1996, or a modification issued by the director under division (I) of that section on and after August 20, 1996;

(b) Except as provided in division (J) of section 3734.05 of

the Revised Code, a facility that will operate or is operating in accordance with a permit by rule, or that is not subject to permit requirements, under rules adopted by the director. In accordance with Chapter 119. of the Revised Code, the director shall adopt, and subsequently may amend, suspend, or rescind, rules for the purposes of division (E)(3)(b) of this section. Any rules so adopted shall be consistent with and equivalent to regulations pertaining to interim status adopted under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise provided in this chapter.

If a modification is requested or proposed for a facility described in division (E)(3)(a) or (b) of this section, division (I)(7) of section 3734.05 of the Revised Code applies.

(F) No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to any of the following:

(1) A hazardous waste facility operating under a permit issued in accordance with this chapter;

(2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended;

(3) A facility in another nation operating in accordance with the laws of that nation;

(4) A facility holding a permit issued pursuant to Title I of

the "Marine Protection, Research, and Sanctuaries Act of 1972," 86 Stat. 1052, 33 U.S.C.A. 1401, as amended; 5284
5285

(5) A hazardous waste facility as described in division (E)(3)(a) or (b) of this section. 5286
5287

(G) The director, by order, may exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes, infectious wastes, or hazardous waste, or processing solid wastes that consist of scrap tires, in such quantities or under such circumstances that, in the determination of the director, are unlikely to adversely affect the public health or safety or the environment from any requirement to obtain a registration certificate, permit, or license or comply with the manifest system or other requirements of this chapter. Such an exemption shall be consistent with and equivalent to any regulations adopted by the administrator of the United States environmental protection agency under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise provided in this chapter. 5288
5289
5290
5291
5292
5293
5294
5295
5296
5297
5298
5299
5300
5301

(H) No person shall engage in filling, grading, excavating, building, drilling, or mining on land where a hazardous waste facility, or a solid waste facility, was operated without prior authorization from the director, who shall establish the procedure for granting such authorization by rules adopted in accordance with Chapter 119. of the Revised Code. 5302
5303
5304
5305
5306
5307

A public utility that has main or distribution lines above or below the land surface located on an easement or right-of-way across land where a solid waste facility was operated may engage in any such activity within the easement or right-of-way without prior authorization from the director for purposes of performing emergency repair or emergency replacement of its lines; of the 5308
5309
5310
5311
5312
5313

poles, towers, foundations, or other structures supporting or 5314
sustaining any such lines; or of the appurtenances to those 5315
structures, necessary to restore or maintain existing public 5316
utility service. A public utility may enter upon any such easement 5317
or right-of-way without prior authorization from the director for 5318
purposes of performing necessary or routine maintenance of those 5319
portions of its existing lines; of the existing poles, towers, 5320
foundations, or other structures sustaining or supporting its 5321
lines; or of the appurtenances to any such supporting or 5322
sustaining structure, located on or above the land surface on any 5323
such easement or right-of-way. Within twenty-four hours after 5324
commencing any such emergency repair, replacement, or maintenance 5325
work, the public utility shall notify the director or the 5326
director's authorized representative of those activities and shall 5327
provide such information regarding those activities as the 5328
director or the director's representative may request. Upon 5329
completion of the emergency repair, replacement, or maintenance 5330
activities, the public utility shall restore any land of the solid 5331
waste facility disturbed by those activities to the condition 5332
existing prior to the commencement of those activities. 5333

(I) No owner or operator of a hazardous waste facility, in 5334
the operation of the facility, shall cause, permit, or allow the 5335
emission therefrom of any particulate matter, dust, fumes, gas, 5336
mist, smoke, vapor, or odorous substance that, in the opinion of 5337
the director, unreasonably interferes with the comfortable 5338
enjoyment of life or property by persons living or working in the 5339
vicinity of the facility, or that is injurious to public health. 5340
Any such action is hereby declared to be a public nuisance. 5341

(J) Notwithstanding any other provision of this chapter, in 5342
the event the director finds an imminent and substantial danger to 5343
public health or safety or the environment that creates an 5344

emergency situation requiring the immediate treatment, storage, or disposal of hazardous waste, the director may issue a temporary emergency permit to allow the treatment, storage, or disposal of the hazardous waste at a facility that is not otherwise authorized by a hazardous waste facility installation and operation permit to treat, store, or dispose of the waste. The emergency permit shall not exceed ninety days in duration and shall not be renewed. The director shall adopt, and may amend, suspend, or rescind, rules in accordance with Chapter 119. of the Revised Code governing the issuance, modification, revocation, and denial of emergency permits.

(K) Except for infectious wastes generated by a person who produces fewer than fifty pounds of infectious wastes at a premises during any one month, no owner or operator of a sanitary landfill shall knowingly accept for disposal, or dispose of, any infectious wastes that have not been treated to render them noninfectious.

(L) The director, in accordance with Chapter 119. of the Revised Code, shall adopt, and may amend, suspend, or rescind, rules having uniform application throughout the state establishing a training and certification program that shall be required for employees of boards of health who are responsible for enforcing the solid waste and infectious waste provisions of this chapter and rules adopted under them and for persons who are responsible for the operation of solid waste facilities or infectious waste treatment facilities. The rules shall provide all of the following, without limitation:

(1) The program shall be administered by the director and shall consist of a course on new solid waste and infectious waste technologies, enforcement procedures, and rules;

- (2) The course shall be offered on an annual basis; 5375
- (3) Those persons who are required to take the course under 5376
division (L) of this section shall do so triennially; 5377
- (4) Persons who successfully complete the course shall be 5378
certified by the director; 5379
- (5) Certification shall be required for all employees of 5380
boards of health who are responsible for enforcing the solid waste 5381
or infectious waste provisions of this chapter and rules adopted 5382
under them and for all persons who are responsible for the 5383
operation of solid waste facilities or infectious waste treatment 5384
facilities; 5385
- (6)(a) All employees of a board of health who, on the 5386
effective date of the rules adopted under this division, are 5387
responsible for enforcing the solid waste or infectious waste 5388
provisions of this chapter and the rules adopted under them shall 5389
complete the course and be certified by the director not later 5390
than January 1, 1995; 5391
- (b) All employees of a board of health who, after the 5392
effective date of the rules adopted under division (L) of this 5393
section, become responsible for enforcing the solid waste or 5394
infectious waste provisions of this chapter and rules adopted 5395
under them and who do not hold a current and valid certification 5396
from the director at that time shall complete the course and be 5397
certified by the director within two years after becoming 5398
responsible for performing those activities. 5399
- No person shall fail to obtain the certification required 5400
under this division. 5401
- (M) The director shall not issue a permit under section 5402
3734.05 of the Revised Code to establish a solid waste facility, 5403

or to modify a solid waste facility operating on December 21, 5404
1988, in a manner that expands the disposal capacity or geographic 5405
area covered by the facility, that is or is to be located within 5406
the boundaries of a state park established or dedicated under 5407
Chapter 1546. of the Revised Code, a state park purchase area 5408
established under section 1546.06 of the Revised Code, any unit of 5409
the national park system, or any property that lies within the 5410
boundaries of a national park or recreation area, but that has not 5411
been acquired or is not administered by the secretary of the 5412
United States department of the interior, located in this state, 5413
or any candidate area located in this state and identified for 5414
potential inclusion in the national park system in the edition of 5415
the "national park system plan" submitted under paragraph (b) of 5416
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 5417
U.S.C.A. 1a-5, as amended, current at the time of filing of the 5418
application for the permit, unless the facility or proposed 5419
facility is or is to be used exclusively for the disposal of solid 5420
wastes generated within the park or recreation area and the 5421
director determines that the facility or proposed facility will 5422
not degrade any of the natural or cultural resources of the park 5423
or recreation area. The director shall not issue a variance under 5424
division (A) of this section and rules adopted under it, or issue 5425
an exemption order under division (G) of this section, that would 5426
authorize any such establishment or expansion of a solid waste 5427
facility within the boundaries of any such park or recreation 5428
area, state park purchase area, or candidate area, other than a 5429
solid waste facility exclusively for the disposal of solid wastes 5430
generated within the park or recreation area when the director 5431
determines that the facility will not degrade any of the natural 5432
or cultural resources of the park or recreation area. 5433

(N)(1) The rules adopted under division (A) of this section, 5434

other than those governing variances, do not apply to scrap tire
collection, storage, monocell, monofill, and recovery facilities.
Those facilities are subject to and governed by rules adopted
under sections 3734.70 to 3734.73 of the Revised Code, as
applicable.

(2) Division (C) of this section does not apply to scrap tire
collection, storage, monocell, monofill, and recovery facilities.
The establishment and modification of those facilities are subject
to sections 3734.75 to 3734.78 and section 3734.81 of the Revised
Code, as applicable.

(3) The director may adopt, amend, suspend, or rescind rules
under division (A) of this section creating an alternative system
for authorizing the establishment, operation, or modification of a
solid waste compost facility in lieu of the requirement that a
person seeking to establish, operate, or modify a solid waste
compost facility apply for and receive a permit under division (C)
of this section and section 3734.05 of the Revised Code and a
license under division (A)(1) of that section. The rules may
include requirements governing, without limitation, the
classification of solid waste compost facilities, the submittal of
operating records for solid waste compost facilities, and the
creation of a registration or notification system in lieu of the
issuance of permits and licenses for solid waste compost
facilities. The rules shall specify the applicability of divisions
(A)(1) and (2)(a) of section 3734.05 of the Revised Code to a
solid waste compost facility.

(O)(1) As used in this division, "secondary aluminum waste"
means waste material or byproducts, when disposed of, containing
aluminum generated from secondary aluminum smelting operations and
consisting of dross, salt cake, baghouse dust associated with

aluminum recycling furnace operations, or dry-milled wastes. 5465

(2) The owner or operator of a sanitary landfill shall not 5466
dispose of municipal solid waste that has been commingled with 5467
secondary aluminum waste. 5468

(3) The owner or operator of a sanitary landfill may dispose 5469
of secondary aluminum waste, but only in a monocell or monofill 5470
that has been permitted for that purpose in accordance with this 5471
chapter and rules adopted under it. 5472

(P)(1) As used in divisions (P) and (Q) of this section: 5473

(a) "Natural background" means two picocuries per gram or the 5474
actual number of picocuries per gram as measured at an individual 5475
solid waste facility, subject to verification by the director of 5476
health. 5477

(b) "Drilling operation" includes a production operation as 5478
defined in section 1509.01 of the Revised Code. 5479

(2) The owner or operator of a solid waste facility shall not 5480
accept for transfer or disposal technologically enhanced naturally 5481
occurring radioactive material if that material contains or is 5482
contaminated with radium-226, radium-228, or any combination of 5483
radium-226 and radium-228 at concentrations equal to or greater 5484
than five picocuries per gram above natural background. 5485

(3) The owner or operator of a solid waste facility may 5486
receive and process for purposes other than transfer or disposal 5487
technologically enhanced naturally occurring radioactive material 5488
that contains or is contaminated with radium-226, radium-228, or 5489
any combination of radium-226 and radium-228 at concentrations 5490
equal to or greater than five picocuries per gram above natural 5491
background, provided that the owner or operator has obtained and 5492
maintains all other necessary authorizations, including any 5493

authorization required by rules adopted by the director of health 5494
under section 3748.04 of the Revised Code. 5495

(4) The director of environmental protection may adopt rules 5496
in accordance with Chapter 119. of the Revised Code governing the 5497
receipt, acceptance, processing, handling, management, and 5498
disposal by solid waste facilities of material that contains or is 5499
contaminated with radioactive material, including, without 5500
limitation, technologically enhanced naturally occurring 5501
radioactive material that contains or is contaminated with 5502
radium-226, radium-228, or any combination of radium-226 and 5503
radium-228 at concentrations less than five picocuries per gram 5504
above natural background. Rules adopted by the director may 5505
include at a minimum both of the following: 5506

(a) Requirements in accordance with which the owner or 5507
operator of a solid waste facility must monitor leachate and 5508
ground water for radium-226, radium-228, and other radionuclides; 5509

(b) Requirements in accordance with which the owner or 5510
operator of a solid waste facility must develop procedures to 5511
ensure that technologically enhanced naturally occurring 5512
radioactive material accepted at the facility neither contains nor 5513
is contaminated with radium-226, radium-228, or any combination of 5514
radium-226 and radium-228 at concentrations equal to or greater 5515
than five picocuries per gram above natural background. 5516

(Q) Notwithstanding any other provision of this section, the 5517
owner or operator of a solid waste facility shall not receive, 5518
accept, process, handle, manage, or dispose of technologically 5519
enhanced naturally occurring radioactive material associated with 5520
drilling operations without first obtaining representative 5521
analytical results to determine compliance with divisions (P)(2) 5522
and (3) of this section and rules adopted under it. 5523

Sec. 3734.021. (A) Infectious wastes shall be segregated, 5524
managed, treated, and disposed of in accordance with rules adopted 5525
under this section. 5526

(B) The director of environmental protection, in accordance 5527
with Chapter 119. of the Revised Code, shall adopt rules necessary 5528
or appropriate to protect human health or safety or the 5529
environment that do both of the following: 5530

(1) Establish standards for generators of infectious wastes 5531
that include, without limitation, the following requirements and 5532
authorizations that: 5533

(a) All generators of infectious wastes: 5534

(i) Either treat all specimen cultures and cultures of viable 5535
infectious agents on the premises where they are generated to 5536
render them noninfectious by methods, techniques, or practices 5537
prescribed by rules adopted under division (B)(2)(a) of this 5538
section before they are transported off that premises for disposal 5539
or ensure that such wastes are treated to render them 5540
noninfectious at an infectious waste treatment facility off that 5541
premises prior to disposal of the wastes; 5542

(ii) Transport and dispose of infectious wastes, if a 5543
generator produces fewer than fifty pounds of infectious wastes 5544
during any one month that are subject to and packaged and labeled 5545
in accordance with federal requirements, in the same manner as 5546
solid wastes. Such generators who treat specimen cultures and 5547
cultures of viable infectious agents on the premises where they 5548
are generated shall not be considered treatment facilities as 5549
"treatment" and "facility" are defined in section 3734.01 of the 5550
Revised Code. 5551

(iii) Dispose of infectious wastes subject to and treated in 5552

accordance with rules adopted under division (B)(1)(a)(i) of this 5553
section in the same manner as solid wastes; 5554

(iv) May take wastes generated in providing care to a patient 5555
by an emergency medical services organization, as defined in 5556
section 4765.01 of the Revised Code, to and leave them at a 5557
hospital, as defined in section 3727.01 of the Revised Code, for 5558
treatment at a treatment facility owned or operated by the 5559
hospital or, in conjunction with infectious wastes generated by 5560
the hospital, at another treatment facility regardless of whether 5561
the wastes were generated in providing care to the patient at the 5562
scene of an emergency or during the transportation of the patient 5563
to a hospital; 5564

(v) May take wastes generated by an individual for purposes 5565
of the individual's own care or treatment to and leave them at a 5566
hospital, as defined in section 3727.01 of the Revised Code, for 5567
treatment at a treatment facility owned or operated by the 5568
hospital or, in conjunction with infectious wastes generated by 5569
the hospital, at another treatment facility. 5570

(b) Each generator of fifty pounds or more of infectious 5571
wastes during any one month: 5572

(i) Register with the environmental protection agency as a 5573
generator of infectious wastes and obtain a registration 5574
certificate. The fee for issuance of a generator registration 5575
certificate is one hundred forty dollars payable at the time of 5576
application. The registration certificate applies to all the 5577
premises owned or operated by the generator in this state where 5578
infectious wastes are generated and shall list the address of each 5579
such premises. If a generator owns or operates facilities for the 5580
treatment of infectious wastes it generates, the certificate shall 5581
list the address and method of treatment used at each such 5582

facility. 5583

A generator registration certificate is valid for three years 5584
from the date of issuance and shall be renewed for a term of three 5585
years upon the generator's submission of an application for 5586
renewal and payment of a one hundred forty dollar renewal fee. 5587

The rules may establish a system of staggered renewal dates 5588
with approximately one-third of such certificates subject to 5589
renewal each year. The applicable renewal date shall be prescribed 5590
on each registration certificate. Registration fees shall be 5591
prorated according to the time remaining in the registration cycle 5592
to the nearest year. 5593

The registration and renewal fees collected under division 5594
(B)(1)(b)(i) of this section shall be deposited in the state 5595
treasury to the credit of the waste management fund created in 5596
section 3734.061 of the Revised Code. 5597

(ii) Segregate infectious wastes from other wastes at the 5598
point of generation. Nothing in this section and rules adopted 5599
under it prohibits a generator of infectious wastes from 5600
designating and managing any wastes, in addition to those defined 5601
as infectious wastes under section 3734.01 of the Revised Code, as 5602
infectious wastes. After designating any such other wastes as 5603
infectious, the generator shall manage those wastes in compliance 5604
with the requirements of this chapter and rules adopted under it 5605
applicable to the management of infectious wastes. 5606

(iii) Either treat the infectious wastes that it generates at 5607
a facility owned or operated by the generator by methods, 5608
techniques, or practices prescribed by rules adopted under 5609
division (B)(2)(a) of this section to render them noninfectious, 5610
or designate the wastes for treatment off that premises at an 5611
infectious waste treatment facility holding a license issued under 5612

division (B) of section 3734.05 of the Revised Code, at an 5613
infectious waste treatment facility that is located in another 5614
state that is in compliance with applicable state and federal 5615
laws, or at a treatment facility authorized by rules adopted under 5616
division (B)(2)(d) of this section, prior to disposal of the 5617
wastes. After being treated to render them noninfectious, the 5618
wastes shall be disposed of at a solid waste disposal facility 5619
holding a license issued under division (A) of section 3734.05 of 5620
the Revised Code or at a disposal facility in another state that 5621
is in compliance with applicable state and federal laws. 5622

(iv) Not compact or grind any type of infectious wastes prior 5623
to treatment in accordance with rules adopted under division 5624
(B)(2)(a) of this section; 5625

(v) May discharge untreated liquid or semiliquid infectious 5626
wastes consisting of blood, blood products, body fluids, and 5627
excreta into a disposal system, as defined in section 6111.01 of 5628
the Revised Code, unless the discharge of those wastes into a 5629
disposal system is inconsistent with the terms and conditions of 5630
the permit for the system issued under Chapter 6111. of the 5631
Revised Code; 5632

(vi) May transport or cause to be transported infectious 5633
wastes that have been treated to render them noninfectious in the 5634
same manner as solid wastes are transported. 5635

(2) Establish standards for owners and operators of 5636
infectious waste treatment facilities that include, without 5637
limitation, the following requirements and authorizations that: 5638

(a) Require treatment of all wastes received to be performed 5639
in accordance with methods, techniques, and practices approved by 5640
the director; 5641

(b) Govern the location, design, construction, and operation of infectious waste treatment facilities. The rules adopted under division (B)(2)(b) of this section shall require that a new infectious waste incineration facility be located so that the incinerator unit and all areas where infectious wastes are handled on the premises where the facility is proposed to be located are at least three hundred feet inside the property line of the tract of land on which the facility is proposed to be located and are at least one thousand feet from any domicile, school, prison, or jail that is in existence on the date on which the application for the permit to establish the incinerator is submitted under division (B)(2)(b) of section 3734.05 of the Revised Code.

(c) Establish quality control and testing procedures to ensure compliance with the rules adopted under division (B)(2)(b) of this section;

(d) Authorize infectious wastes to be treated at a facility that holds a license or renewal of a license to operate a crematory facility issued under Chapter 4717., and a permit issued under Chapter 3704., of the Revised Code to the extent that the treatment of those wastes is consistent with that permit and its terms and conditions. The rules adopted under divisions (B)(2)(b) and (c) of this section do not apply to a facility holding such a license and permit.

In adopting the rules required by divisions (B)(2)(a) to (d) of this section, the director shall consider and, to the maximum feasible extent, utilize existing standards and guidelines established by professional and governmental organizations having expertise in the fields of infection control and infectious wastes management.

(e) Require shipping papers to accompany shipments of wastes

that have been treated to render them noninfectious. The shipping papers shall include only the following elements:

(i) The name of the owner or operator of the facility where the wastes were treated and the address of the treatment facility;

(ii) A certification by the owner or operator of the treatment facility where the wastes were treated indicating that the wastes have been treated by the methods, techniques, and practices prescribed in rules adopted under division (B)(2)(a) of this section.

(C) This section and rules adopted under it do not apply to the treatment or disposal of wastes consisting of dead animals or parts thereof, or the blood of animals:

(1) By the owner of the animal after slaughter by the owner on the owner's premises to obtain meat for consumption by the owner and the members of the owner's household;

(2) In accordance with Chapter 941. of the Revised Code; or

(3) By persons who are subject to any of the following:

(a) Inspection under the "Federal Meat Inspection Act," 81 Stat. 584 (1967), 21 U.S.C.A. 603, as amended;

(b) Chapter 918. of the Revised Code;

(c) Chapter 953. of the Revised Code.

(D) As used in this section, "generator" means a person who produces infectious wastes at a specific premises.

(E) Rules adopted under this section shall not concern or relate to personnel policies, salaries, wages, fringe benefits, or other conditions of employment of employees of persons owning or

operating infectious waste treatment facilities. 5699

(F)(1) The director, in accordance with Chapter 119. of the 5700
Revised Code, shall adopt rules governing the issuance, 5701
modification, revocation, suspension, and denial of variances from 5702
the rules adopted under division (B) of this section. Variances 5703
shall be issued, modified, revoked, suspended, or denied in 5704
accordance with division (F) of this section, rules adopted under 5705
it, and Chapter 3745. of the Revised Code. 5706

(2) A person who desires to obtain a variance or renew a 5707
variance from the rules adopted under division (B) of this section 5708
shall submit to the director an application as prescribed by the 5709
director. The application shall contain detail plans, 5710
specifications, and information regarding objectives, procedures, 5711
controls, and any other information that the director may require. 5712
The director shall issue, renew, or deny a variance or renewal of 5713
a variance within six months of the date on which the director 5714
receives a complete application with all required information and 5715
data. 5716

(3) The director may hold a public hearing on an application 5717
submitted under division (F) of this section for a variance at a 5718
location in the county in which the operations that are the 5719
subject of the application for a variance or renewal of variance 5720
are conducted. Not less than twenty days before the hearing, the 5721
director shall provide to the applicant notice of the hearing by 5722
certified mail or by another type of mail that is accompanied by a 5723
receipt and shall publish notice of the hearing at least one time 5724
in a newspaper of general circulation in the county in which the 5725
hearing is to be held or may instead provide public notice by 5726
publication on the environmental protection agency's web site. The 5727
director shall make a complete stenographic record or electronic 5728

record of testimony and other evidence submitted at the hearing. 5729
Not later than ten days after the hearing, the director shall make 5730
a written determination to issue, renew, or deny the variance and 5731
shall enter the determination and the basis for it into the record 5732
of the hearing. 5733

(4) A variance shall not be issued, modified, revoked, or 5734
denied under division (F) of this section until the director has 5735
considered the relative interests of the applicant, other persons 5736
and property that will be affected by the variance, and the 5737
general public. The director shall grant a variance only if the 5738
applicant demonstrates to the director's satisfaction that the 5739
requested action will not create a nuisance or a hazard to the 5740
health or safety of the public or to the environment. In granting 5741
a variance, the director shall state the specific provision or 5742
provisions whose terms are to be varied and also shall state 5743
specific terms or conditions imposed on the applicant in place of 5744
the provision or provisions. 5745

(5) A variance granted under division (F) of this section 5746
shall be for a period specified by the director and may be renewed 5747
from time to time on terms and for periods that the director 5748
determines to be appropriate. The director may order the person to 5749
whom a variance has been issued to take action within the time 5750
that the director determines to be appropriate and reasonable to 5751
prevent the creation of a nuisance or a hazard to the health or 5752
safety of the public or to the environment. 5753

(6) An application submitted under division (F) of this 5754
section shall not be denied and a variance shall not be revoked or 5755
modified under that division without a written order of the 5756
director stating the findings on which the denial, revocation, or 5757
modification is based. A copy of the order shall be sent to the 5758
applicant or holder of a variance by certified mail or by another 5759

type of mail that is accompanied by a receipt. 5760

(7) The director shall make available for public inspection 5761
 at the principal office of the environmental protection agency a 5762
 current list of pending applications for variances submitted under 5763
 division (F) of this section and a current schedule of pending 5764
 variance hearings under it. 5765

Sec. 3734.575. (A) The board of county commissioners of a 5766
 county solid waste management district and the board of directors 5767
 of a joint solid waste management district that is levying fees or 5768
 amended fees or receiving fee revenue under division (B) of 5769
 section 3734.57; section 3734.571, 3734.572, or 3734.573; or 5770
 division (A), (B), or (D) of section 3734.574 of the Revised Code, 5771
 within thirty days after the end of each calendar quarter, shall 5772
 submit to the director of environmental protection a report 5773
 containing all of the following information for that preceding 5774
 quarter: 5775

(1) The specific fees levied by the district; 5776

(2) Revenues received by the district during the quarter from 5777
 each of those sources, as applicable; 5778

(3) All district planning account balances; 5779

(4) The amount and use of revenues spent; 5780

(5) A certification statement that the information in the 5781
 report is true and accurate. 5782

A board shall submit each report on forms prescribed by the 5783
 director and ~~by computer disk as~~ in a manner prescribed by ~~him~~ the 5784
director. A board is responsible for the accuracy of the 5785
 information contained in each report and for providing it to the 5786
 director not later than the deadline established in this division. 5787

Annually by not earlier than the first day of April, the 5788
 director shall submit a compilation of the individual district 5789
 reports received during the preceding calendar year to the speaker 5790
 of the house of representatives and the president of the senate. 5791
 In submitting the compilation, the director's sole responsibility 5792
 shall be to compile the information submitted by the boards under 5793
 this division. 5794

(B) If changes in the 1994 budget of a county or joint 5795
 district result from the required change in the fees levied by the 5796
 district under division (B) of section 3734.57 of the Revised 5797
 Code, the levying of the fees under section 3734.573 of the 5798
 Revised Code, or the levying of fees under division (A) or (B) of 5799
 section 3734.574 of the Revised Code, the board of county 5800
 commissioners or directors of the district shall include a 5801
 description of the changes in the annual report of the district 5802
 required to be submitted to the director pursuant to rules adopted 5803
 under section 3734.50 of the Revised Code. 5804

Sec. 3745.019. (A) Notwithstanding any provision of the 5805
Revised Code or Administrative Code requiring the director of 5806
environmental protection to provide public notice by publication 5807
in one or more newspapers, including one or more newspapers of 5808
general circulation, the director may instead provide public 5809
notice by publication on the environmental protection agency's 5810
official web site. 5811

(B) Notwithstanding any provision of the Revised Code or 5812
Administrative Code requiring the director of environmental 5813
protection to deliver a document or notice by certified mail, the 5814
director may instead deliver the document or notice by any method 5815
capable of documenting the intended recipient's receipt of the 5816
document or notice. 5817

Sec. 3746.09. (A) A person who proposes to enter into or who 5818
is participating in the voluntary action program under this 5819
chapter and rules adopted under it, in accordance with this 5820
section and rules adopted under division (B)(10) of section 5821
3746.04 of the Revised Code, may apply to the director of 5822
environmental protection for a variance from applicable standards 5823
otherwise established in this chapter and rules adopted under it. 5824
The application for a variance shall be prepared by a certified 5825
professional. The director shall issue a variance from those 5826
applicable standards only if the application makes all of the 5827
following demonstrations to the director's satisfaction: 5828

(1) Either or both of the following: 5829

(a) It is technically infeasible to comply with the 5830
applicable standards otherwise established at the property named 5831
in the application; 5832

(b) The costs of complying with the applicable standards 5833
otherwise established at the property substantially exceed the 5834
economic benefits. 5835

(2) The proposed alternative standard or set of standards and 5836
terms and conditions set forth in the application will result in 5837
an improvement of environmental conditions at the property and 5838
ensure that public health and safety will be protected. 5839

(3) The establishment of and compliance with the alternative 5840
standard or set of standards and terms and conditions are 5841
necessary to promote, protect, preserve, or enhance employment 5842
opportunities or the reuse of the property named in the 5843
application. 5844

A variance issued under this section shall state the specific 5845
standard or standards whose terms are being varied and shall set 5846

forth the specific alternative standard or set of standards and 5847
the terms and conditions imposed on the applicant in their place. 5848
A variance issued under this section shall include only standards 5849
and terms and conditions proposed by the applicant in the 5850
application, except that the director may impose any additional or 5851
alternative terms and conditions that the director determines to 5852
be necessary to ensure that public health and safety will be 5853
protected. If the director finds that compliance with any standard 5854
or term or condition proposed by the applicant will not protect 5855
public health and safety and that the imposition of additional or 5856
alternative terms and conditions will not ensure that public 5857
health or safety will be protected, the director shall disapprove 5858
the application and shall include in the order of denial the 5859
specific findings on which the denial was based. 5860

(B) Variances shall be issued or denied in accordance with 5861
this section, rules adopted under division (B)(10) of section 5862
3746.04 of the Revised Code, and Chapter 3745. of the Revised 5863
Code. Upon determining that an application for a variance is 5864
complete, the director shall schedule a public meeting on the 5865
application to be held within ninety days after the director 5866
determines that the application is complete in the county in which 5867
is located the property to which the application pertains. 5868

(C) Not less than thirty days before the date scheduled for 5869
the public meeting on an application for a variance, the director 5870
shall publish notice of the public meeting and that the director 5871
will receive written comments on the application for a period of 5872
forty-five days commencing on the date of the publication of the 5873
notice. The notice shall contain all of the following information, 5874
at a minimum: 5875

(1) The address of the property to which the application 5876

pertains; 5877

(2) A brief summary of the alternative standards and terms 5878
and conditions proposed by the applicant; 5879

(3) The date, time, and location of the public meeting. 5880

The notice shall be published in a newspaper of general 5881
circulation in the county in which the property is located and, if 5882
the property is located in close proximity to the boundary of the 5883
county with an adjacent county, as determined by the director, 5884
shall be published in a newspaper of general circulation in the 5885
adjacent county. Concurrently with the publication of the notice 5886
of the public meeting, the director shall mail notice of the 5887
application, comment period, and public meeting to the owner of 5888
each parcel of land that is adjacent to the affected property and 5889
to the legislative authority of the municipal corporation or 5890
township, and county, in which the affected property is located. 5891
The notices mailed to the adjacent land owners and legislative 5892
authorities shall contain the same information as the published 5893
notice. 5894

(D) At the public meeting on an application for a variance, 5895
the applicant, or a representative of the applicant who is 5896
knowledgeable about the affected property and the application, 5897
shall present information regarding the application and the basis 5898
of the request for the variance and shall respond to questions 5899
from the public regarding the affected property and the 5900
application. A representative of the environmental protection 5901
agency who is familiar with the affected property and the 5902
application shall attend the public meeting to hear the public's 5903
comments and to respond to questions from the public regarding the 5904
affected property and the application. A stenographic record or 5905
electronic record of the proceedings at the public meeting shall 5906

be kept and shall be made a part of the administrative record 5907
 regarding the application. 5908

(E) Within ninety days after conducting the public meeting on 5909
 an application for a variance under division (D) of this section, 5910
 the director shall issue a proposed action to the applicant in 5911
 accordance with section 3745.07 of the Revised Code that indicates 5912
 the director's intent with regard to the issuance or denial of the 5913
 application. When considering whether to issue or deny the 5914
 application or whether to impose terms and conditions of the 5915
 variance that are in addition or alternative to those proposed by 5916
 the applicant, the director shall consider comments on the 5917
 application made by the public at the public meeting and written 5918
 comments on the application received from the public. 5919

Sec. 3752.11. (A) As used in this section: 5920

(1) "Reporting facility" means a reporting facility at which 5921
 all regulated operations have been temporarily or permanently 5922
 discontinued. 5923

(2) "Abandoned by the owner" means either of the following 5924
 that occurs on or after ~~the effective date of this section~~ July 1, 5925
1996: 5926

(a) All of the fee owners of a reporting facility have 5927
 indicated ~~affirmately~~ affirmatively in writing to the holder of 5928
 the first mortgage on the real property at the facility that they, 5929
 and all tenants claiming possession under those owners, have 5930
 abandoned all rights of possession to the reporting facility; 5931

(b) The first mortgage loan on the real property at the 5932
 reporting facility is in default, the property is not occupied by 5933
 any tenants, and the holder of the first ~~morgage~~ mortgage has been 5934
 unable to contact the mortgagor under the mortgage regarding the 5935

default within the earlier of ninety days after the default or 5936
sixty days after the first time the first mortgage holder has 5937
attempted unsuccessfully to contact the mortgagor following the 5938
default if the first mortgage holder is unable to contact the 5939
mortgagor within the sixty-day period. 5940

(3) "Default" means the failure of the mortgagor to make any 5941
payment to the holder of the first mortgage required by the terms 5942
of the mortgage documents that is not cured by the mortgagor 5943
within any applicable cure periods, deferred with the consent of 5944
the holder of the first mortgage, or waived by the holder of the 5945
first mortgage. 5946

(4) "Contact" means actual person to person, telephonic, or 5947
similar direct voice conversation between the holder of the first 5948
mortgage and the mortgagor or written correspondence from the 5949
mortgagor to the holder of the first mortgage by mail, ~~telegram,~~ 5950
~~telefax~~ any other method capable of documenting the intended 5951
recipient's receipt of the document or notice, or similar means of 5952
communication. 5953

(B) Not later than fifteen days after a reporting facility 5954
has been abandoned by the owner, the holder of the first mortgage 5955
on real property at the reporting facility shall do both of the 5956
following: 5957

(1) Secure against unauthorized entry each building or 5958
structure at the facility where regulated operations were 5959
conducted and that contains or is contaminated with regulated 5960
substances and each outdoor location of operation. The holder 5961
shall secure each such building, structure, or outdoor location of 5962
operation by boarding windows, doors, and other potential means of 5963
entry, by providing security personnel, or by other methods 5964
prescribed in rules adopted under section 3752.03 of the Revised 5965

Code. Within that period, the holder also shall post about each such building, structure, or outdoor location of operation in publicly visible locations warning signs that prohibit trespassing and state that the building, structure, or outdoor location of operation contains or is contaminated with regulated substances that may endanger public health or safety if released into the environment. The holder shall continue the security measures, and maintain the warning signs, as required at each such building, structure, or outdoor location of operation until title to the facility has been transferred or until the holder files a release of the mortgage with the county recorder of the county in which the facility is located. Promptly after discovering that any of the entry barriers or warning signs installed pursuant to division (B)(1) of this section have been damaged, lost, or removed, the holder shall repair or replace them in order to maintain the security of the building, structure, or outdoor location of operation.

(2) Submit to the director of environmental protection, the local emergency planning committee of the emergency planning district in which the facility is located, and the fire department having jurisdiction where the facility is located a notice of the abandonment of the facility by the owner and of the holder's compliance with division (B)(1) of this section. The holder shall submit the notice on a form prescribed by the director.

(C) Within thirty days before the date when the holder of a mortgage will cease to maintain security and warning signs at a reporting facility pursuant to the filing of a release of the mortgage as provided in division (B)(1) of this section, the holder shall so notify the director, the local emergency planning committee of the emergency planning district in which the facility is located, and the fire department having jurisdiction where the

facility is located. The holder shall submit the notice on a form 5997
prescribed by the director. 5998

(D) Actions undertaken by a holder of a mortgage under 5999
division (B) of this section, and the undertaking of any other 6000
activities relating to protecting and securing the facility, do 6001
not cause the holder to be an owner, operator, or mortgagee in 6002
possession of the facility or subject the holder to this chapter 6003
or any other provision of state law imposing liability or 6004
responsibility for the cleanup, removal, or remediation of 6005
regulated substances, provided that all activities not specified 6006
in that division shall be performed in compliance with the 6007
applicable requirements of Chapters 3704., 3714., 3734., 3737., 6008
3750., 3751., 6109., and 6111. of the Revised Code and rules 6009
adopted under them. 6010

(E) The holder of a mortgage who proceeds in good faith under 6011
divisions (B) and (C) of this section is not liable to the owner 6012
of the facility or the mortgagor, as appropriate, for damages 6013
suffered by the owner or mortgagor due to actions taken by the 6014
holder under those divisions. 6015

(F) Nothing in this section prevents the holder of a first 6016
mortgage from applying to the court for the appointment of a 6017
receiver. If a receiver is appointed, the receiver shall succeed 6018
to the obligations of the holder of the first mortgage under 6019
divisions (B) and (C) of this section. 6020

(G) No person shall fail to comply with this section. 6021

Sec. 3772.031. (A)(1) The general assembly finds that the 6022
exclusion or ejection of certain persons from casino facilities 6023
and from sports gaming is necessary to effectuate the intents and 6024
purposes of this chapter and Chapter 3775. of the Revised Code and 6025

to maintain strict and effective regulation of casino gaming and 6026
sports gaming. 6027

(2) The commission, by rule, shall provide for a list of 6028
persons who are to be excluded or ejected from a casino facility 6029
and a list of persons who are to be excluded or ejected from a 6030
sports gaming facility and from participating in the play or 6031
operation of sports gaming in this state. Persons included on an 6032
exclusion list shall be identified by name and physical 6033
description. The commission shall publish the exclusion lists on 6034
its web site, and shall transmit a copy of the exclusion lists 6035
periodically to casino operators and sports gaming proprietors, as 6036
applicable, as they are initially issued and thereafter as they 6037
are revised from time to time. 6038

(3) A casino operator shall take steps necessary to ensure 6039
that all its key employees and casino gaming employees are aware 6040
of and understand the casino exclusion list and its function, and 6041
that all its key employees and casino gaming employees are kept 6042
aware of the content of the casino exclusion list as it is issued 6043
and thereafter revised from time to time. 6044

(4) A sports gaming proprietor shall take steps necessary to 6045
ensure that its appropriate agents and employees are aware of and 6046
understand the sports gaming exclusion list and its function, and 6047
that all its appropriate agents and employees are kept aware of 6048
the content of the sports gaming exclusion list as it is issued 6049
and thereafter revised from time to time. 6050

(B) The casino exclusion list may include any person whose 6051
presence in a casino facility is determined by the commission to 6052
pose a threat to the interests of the state, to achieving the 6053
intents and purposes of this chapter, or to the strict and 6054
effective regulation of casino gaming. The sports gaming exclusion 6055

list may include any person whose presence in a sports gaming 6056
facility or whose participation in the play or operation of sports 6057
gaming in this state is determined by the commission to pose a 6058
threat to the interests of the state, to achieving the intents and 6059
purposes of Chapter 3775. of the Revised Code, or to the strict 6060
and effective regulation of sports gaming. In determining whether 6061
to include a person on an exclusion list, the commission may 6062
consider: 6063

(1) Any prior conviction of a crime that is a felony under 6064
the laws of this state, another state, or the United States, a 6065
crime involving moral turpitude, or a violation of the gaming laws 6066
of this state, another state, or the United States; and 6067

(2) A violation, or a conspiracy to violate, any provision of 6068
this chapter or Chapter 3775. of the Revised Code, as applicable, 6069
that consists of: 6070

(a) A failure to disclose an interest in a gaming facility or 6071
a sports gaming-related person or entity for which the person must 6072
obtain a license; 6073

(b) Purposeful evasion of taxes or fees; 6074

(c) A notorious or unsavory reputation that would adversely 6075
affect public confidence and trust that casino gaming or sports 6076
gaming is free from criminal or corruptive elements; or 6077

(d) A violation of an order of the commission or of any other 6078
governmental agency that warrants exclusion or ejection of the 6079
person from a casino facility, from a sports gaming facility, or 6080
from participating in the play or operation of sports gaming in 6081
this state. 6082

(3) If the person has pending charges or indictments for a 6083
gaming or gambling crime or a crime related to the integrity of 6084

gaming operations in any state; 6085

(4) If the person's conduct or reputation is such that the 6086
person's presence within a casino facility or in the sports gaming 6087
industry in this state may call into question the honesty and 6088
integrity of the casino gaming or sports gaming operations or 6089
interfere with the orderly conduct of the casino gaming or sports 6090
gaming operations; 6091

(5) If the person is a career or professional offender whose 6092
presence in a casino facility or in the sports gaming industry in 6093
this state would be adverse to the interest of licensed gaming in 6094
this state; 6095

(6) If the person has a known relationship or connection with 6096
a career or professional offender whose presence in a casino 6097
facility or in the sports gaming industry in this state would be 6098
adverse to the interest of licensed gaming in this state; 6099

(7) If the commission has suspended the person's gaming 6100
privileges; 6101

(8) If the commission has revoked the person's licenses 6102
related to this chapter or Chapter 3775. of the Revised Code; 6103

(9) If the commission determines that the person poses a 6104
threat to the safety of patrons or employees of a casino facility 6105
or a sports gaming facility; 6106

(10) If the person has a history of conduct involving the 6107
disruption of gaming operations within a casino facility or in the 6108
sports gaming industry in this state. 6109

Race, color, creed, national origin or ancestry, or sex are 6110
not grounds for placing a person on an exclusion list. 6111

(C) The commission shall notify a person of the commission's 6112

6113
6114
6115
6116
6117
6118
6119
6120
6121
6122
intent to include such person on one or both exclusion lists. The
notice shall be provided by personal service, by certified mail to
the person's last known address, by commercial carrier utilizing a
method of delivery that provides confirmation of delivery, or, if
service cannot be accomplished by personal service ~~or~~, certified
mail, or commercial carrier, by publication daily for two weeks in
a newspaper of general circulation within the county in which the
person resides and in a newspaper of general circulation within
each county in which a casino facility or sports gaming facility,
as applicable, is located.

6123
6124
6125
6126
6127
6128
6129
6130
6131
6132
(D)(1) Except as otherwise provided in this section, a person
who receives notice of intent to include the person on an
exclusion list is entitled, upon the person's request, to an
adjudication hearing under Chapter 119. of the Revised Code, in
which the person may demonstrate why the person should not be
included on the exclusion list or lists. The person shall request
such an adjudication hearing not later than thirty days after the
person receives the notice by personal service ~~or~~, certified mail,
or commercial carrier, or not later than thirty days after the
last newspaper publication of the notice.

6133
6134
6135
6136
6137
(2) If the person does not request a hearing in accordance
with division (D)(1) of this section, the commission may, but is
not required to, conduct an adjudication hearing under Chapter
119. of the Revised Code. The commission may reopen an
adjudication under this section at any time.

6138
6139
6140
6141
6142
(3) If the adjudication hearing, order, or any appeal thereof
under Chapter 119. of the Revised Code results in an order that
the person should not be included on the exclusion list or lists,
the commission shall publish a revised exclusion list that does
not include the person. The commission also shall notify casino

operators or sports gaming proprietors, as applicable, that the
person has been removed from the exclusion list or lists. A casino
operator shall take all steps necessary to ensure its key
employees and casino gaming employees are made aware that the
person has been removed from the casino exclusion list. A sports
gaming proprietor shall take all steps necessary to ensure its
appropriate agents and employees are made aware that the person
has been removed from the sports gaming exclusion list.

(E) This section does not apply to any voluntary exclusion
list created as part of a voluntary exclusion program under this
chapter or Chapter 3775. of the Revised Code.

Sec. 3772.04. (A)(1) If the commission concludes that an
applicant, licensee, or other person subject to the commission's
jurisdiction under this chapter should be fined or penalized, or
that a license required by this chapter or Chapter 3775. of the
Revised Code should be limited, conditioned, restricted,
suspended, revoked, denied, or not renewed, the commission may,
and if so requested by the licensee, applicant, or other person,
shall, conduct a hearing in an adjudication under Chapter 119. of
the Revised Code. After notice and opportunity for a hearing, the
commission may fine or penalize the applicant, licensee, or other
person or limit, condition, restrict, suspend, revoke, deny, or
not renew a license under rules adopted by the commission. The
commission may reopen an adjudication under this section at any
time.

(2) The commission shall appoint a hearing examiner to
conduct the hearing in the adjudication. A party to the
adjudication may file written objections to the hearing examiner's
report and recommendations not later than the thirtieth day after
they are served upon the party or the party's attorney or other

representative of record. The commission shall not take up the 6173
 hearing examiner's report and recommendations earlier than the 6174
 thirtieth day after the hearing examiner's report and 6175
 recommendations were submitted to the commission. 6176

(3) If the commission finds that a person fails or has failed 6177
 to meet any requirement under this chapter or Chapter 3775. of the 6178
 Revised Code or a rule adopted thereunder, or violates or has 6179
 violated this chapter or Chapter 3775. of the Revised Code or a 6180
 rule adopted thereunder, the commission may issue an order: 6181

(a) Limiting, conditioning, restricting, suspending, 6182
 revoking, denying, or not renewing, a license issued under this 6183
 chapter or Chapter 3775. of the Revised Code; 6184

(b) Requiring a casino facility to exclude a licensee from 6185
 the casino facility or requiring a casino facility not to pay to 6186
 the licensee any remuneration for services or any share of 6187
 profits, income, or accruals on the licensee's investment in the 6188
 casino facility; or 6189

(c) Fining a licensee or other person according to the 6190
 penalties adopted by the commission. 6191

(4) An order may be judicially reviewed under section 119.12 6192
 of the Revised Code. 6193

(B) Without in any manner limiting the authority of the 6194
 commission to impose the level and type of discipline the 6195
 commission considers appropriate, the commission may take into 6196
 consideration the following: 6197

(1) If the licensee knew or reasonably should have known that 6198
 the action complained of was a violation of any law, rule, or 6199
 condition on the licensee's license; 6200

(2) If the licensee has previously been disciplined by the 6201

commission;	6202
(3) If the licensee has previously been subject to discipline by the commission concerning the violation of any law, rule, or condition of the licensee's license;	6203 6204 6205
(4) If the licensee reasonably relied upon professional advice from a lawyer, doctor, accountant, or other recognized professional that was relevant to the action resulting in the violation;	6206 6207 6208 6209
(5) If the licensee or the licensee's employer had a reasonably constituted and functioning compliance program;	6210 6211
(6) If the imposition of a condition requiring the licensee to establish and implement a written self-enforcement and compliance program would assist in ensuring the licensee's future compliance with all statutes, rules, and conditions of the license;	6212 6213 6214 6215 6216
(7) If the licensee realized a pecuniary gain from the violation;	6217 6218
(8) If the amount of any fine or other penalty imposed would result in disgorgement of any gains unlawfully realized by the licensee;	6219 6220 6221
(9) If the violation was caused by an officer or employee of the licensee, the level of authority of the individual who caused the violation;	6222 6223 6224
(10) If the individual who caused the violation acted within the scope of the individual's authority as granted by the licensee;	6225 6226 6227
(11) The adequacy of any training programs offered by the licensee or the licensee's employer that were relevant to the	6228 6229

activity that resulted in the violation;	6230
(12) If the licensee's action substantially deviated from industry standards and customs;	6231
(13) The extent to which the licensee cooperated with the commission during the investigation of the violation;	6233
(14) If the licensee has initiated remedial measures to prevent similar violations;	6234
(15) The magnitude of penalties imposed on other licensees for similar violations;	6235
(16) The proportionality of the penalty in relation to the misconduct;	6236
(17) The extent to which the amount of any fine imposed would punish the licensee for the conduct and deter future violations;	6237
(18) Any mitigating factors offered by the licensee; and	6238
(19) Any other factors the commission considers relevant.	6239
(C) For the purpose of conducting any study or investigation, the commission may direct that public hearings be held at a time and place, prescribed by the commission, in accordance with section 121.22 of the Revised Code. The commission shall give notice of all public hearings in such manner as will give actual notice to all interested parties.	6240
(D)(1) For the purpose of conducting the hearing in an adjudication under division (A) of this section, or in the discharge of any duties imposed by this chapter or Chapter 3775. of the Revised Code, the commission may require that testimony be given under oath and administer such oath, issue subpoenas compelling the attendance of witnesses and the production of any papers, books, and accounts, directed to the sheriffs of the	6241
	6242
	6243
	6244
	6245
	6246
	6247
	6248
	6249
	6250
	6251
	6252
	6253
	6254
	6255
	6256
	6257

counties where such witnesses or papers, books, and accounts are
found and cause the deposition of any witness. The subpoenas shall
be served and returned in the same manner as subpoenas in criminal
cases are served and returned. The fees of sheriffs shall be the
same as those allowed by the court of common pleas in criminal
cases.

(2) In the event of the refusal of any person without good
cause to comply with the terms of a subpoena issued by the
commission or refusal to testify on matters about which the person
may lawfully be questioned, the prosecuting attorney of the county
in which such person resides, upon the petition of the commission,
may bring a proceeding for contempt against such person in the
court of common pleas of that county.

(3) Witnesses shall be paid the fees and mileage provided for
in section 119.094 of the Revised Code.

(4) All fees and mileage expenses incurred at the request of
a party shall be paid in advance by the party.

(E) When conducting a public hearing, the commission shall
not limit the number of speakers who may testify. However, the
commission may set reasonable time limits on the length of an
individual's testimony or the total amount of time allotted to
proponents and opponents of an issue before the commission.

(F) The commission may rely, in whole or in part, upon
investigations, conclusions, or findings of other casino gaming or
sports gaming commissions, as applicable, or other government
regulatory bodies in connection with licensing, investigations, or
other matters relating to an applicant or licensee under this
chapter.

(G) Notwithstanding anything to the contrary in this chapter

or Chapter 3775. of the Revised Code, and except with respect to a
license issued under this chapter to a casino operator, management
company, or holding company, the executive director may issue an
emergency order for the suspension, limitation, or conditioning of
any license, registration, approval, or certificate issued,
approved, granted, or otherwise authorized by the commission under
Chapter 3772. or 3775. of the Revised Code or the rules adopted
thereunder, requiring the inclusion of persons on the casino
exclusion list or sports gaming exclusion list provided for under
section 3772.031 of the Revised Code or Chapter 3775. of the
Revised Code and the rules adopted thereunder, and requiring a
casino facility not to pay a licensee, registrant, or approved or
certified person any remuneration for services or any share of
profits, income, or accruals on that person's investment in the
casino facility.

(1) An emergency order may be issued when the executive
director finds either of the following:

(a) A licensee, registrant, or approved or certified person
has been charged with a violation of any of the criminal laws of
this state, another state, or the federal government;

(b) Such an action is necessary to prevent a violation of
this chapter or Chapter 3775. of the Revised Code or a rule
adopted thereunder.

(2) An emergency order issued under division (G) of this
section shall state the reasons for the commission's action, cite
the law or rule directly involved, and state that the party will
be afforded a hearing if the party requests it within thirty days
after the time of mailing or personal delivery of the order.

(3)(a) Not later than the next business day after the
issuance of the emergency order, the order shall be sent by

registered or certified mail, return receipt requested, or by 6317
commercial carrier utilizing any form of delivery requiring a 6318
signed receipt, to the party at the party's last known mailing 6319
address appearing in the commission's records or personally 6320
delivered at any time to the party by an employee or agent of the 6321
commission. 6322

(b) A copy of the order shall be mailed or an electronic copy 6323
provided to the attorney or other representative of record 6324
representing the party. 6325

(c) If the order sent by registered or certified mail or by 6326
commercial carrier is returned because the party fails to claim 6327
the order, the commission shall send the order by ordinary mail to 6328
the party at the party's last known address and shall obtain a 6329
certificate of mailing. Service by ordinary mail is complete when 6330
the certificate of mailing is obtained unless the order is 6331
returned showing failure of delivery. 6332

(d) If the order sent by commercial carrier or registered, 6333
certified, or ordinary mail is returned for failure of delivery, 6334
the commission shall either make personal delivery of the order by 6335
an employee or agent of the commission or cause a summary of the 6336
substantive provisions of the order to be published once a week 6337
for three consecutive weeks in a newspaper of general circulation 6338
in the county where the last known address of the party is 6339
located. 6340

(i) Failure of delivery occurs only when a mailed order is 6341
returned by the postal authorities or commercial carrier marked 6342
undeliverable, address or addressee unknown, or forwarding address 6343
unknown or expired. 6344

(ii) When service is completed by publication, a proof of 6345
publication affidavit, with the first publication of the summary 6346

set forth in the affidavit, shall be mailed by ordinary mail to 6347
the party at the party's last known address and the order shall be 6348
deemed received as of the date of the last publication. 6349

(e) Refusal of delivery of the order sent by mail or 6350
personally delivered to the party is not failure of delivery and 6351
service is deemed to be complete. 6352

(4) The emergency order shall be effective immediately upon 6353
service of the order on the party. The emergency order shall 6354
remain effective until further order of the executive director or 6355
the commission. 6356

(5) The commission may, and if so requested by the person 6357
affected by the emergency order shall, promptly conduct a hearing 6358
in an adjudication under Chapter 119. of the Revised Code. 6359

Sec. 3772.11. (A) A person may apply to the commission for a 6360
casino operator, management company, or holding company license to 6361
conduct casino gaming at a casino facility as provided in this 6362
chapter. The application shall be ~~made under oath~~ certified as 6363
true on forms provided by the commission and shall contain 6364
information as prescribed by rule, including, but not limited to, 6365
all of the following: 6366

(1) The name, business address, business telephone number, 6367
social security number, and, where applicable, the federal tax 6368
identification number of any applicant; 6369

(2) The identity of every person having a greater than five 6370
per cent direct or indirect interest in the applicant casino 6371
facility for which the license is sought; 6372

(3) An identification of any business, including the state of 6373
incorporation or registration if applicable, in which an 6374

applicant, or the spouse or children of an applicant, has an equity interest of more than five per cent; 6375
6376

(4) The name of any casino operator, management company, holding company, and gaming-related vendor in which the applicant has an equity interest of at least five per cent; 6377
6378
6379

(5) If an applicant has ever applied for or has been granted any gaming license or certificate issued by a licensing authority in Ohio or any other jurisdiction that has been denied, restricted, suspended, revoked, or not renewed and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action; 6380
6381
6382
6383
6384
6385
6386
6387

(6) If an applicant has ever filed or had filed against it a civil or administrative action or proceeding in bankruptcy, including the date of filing, the name and location of the court, the case caption, the docket number, and the disposition; 6388
6389
6390
6391

(7) The name and business telephone number of any attorney representing an applicant in matters before the commission; 6392
6393

(8) Information concerning the amount, type of tax, the taxing agency, and times involved, if the applicant has filed or been served with a complaint or notice filed with a public body concerning a delinquency in the payment of or a dispute over a filing concerning the payment of a tax required under federal, state, or local law; 6394
6395
6396
6397
6398
6399

(9) A description of any proposed casino gaming operation and related casino enterprises, including the type of casino facility, location, expected economic benefit to the community, anticipated or actual number of employees, any statement from an applicant 6400
6401
6402
6403

regarding compliance with federal and state affirmative action 6404
 guidelines, projected or actual admissions, projected or actual 6405
 gross receipts, and scientific market research; 6406

(10) Financial information in the manner and form prescribed 6407
 by the commission; 6408

(11) If an applicant has directly made a political 6409
 contribution, loan, donation, or other payment of one hundred 6410
 dollars or more to a statewide office holder, a member of the 6411
 general assembly, a local government official elected in a 6412
 jurisdiction where a casino facility is located, or a ballot issue 6413
 not more than one year before the date the applicant filed the 6414
 application and all information relating to the contribution, 6415
 loan, donation, or other payment; 6416

(12) Any criminal conviction; and 6417

(13) Other information required by the commission under rules 6418
 adopted by the commission. 6419

(B) Any holding company or management company, its directors, 6420
 executive officers, members, managers, and any shareholder who 6421
 holds more than five per cent ownership interest of a holding 6422
 company or management company shall be required to submit the same 6423
 information as required by an applicant under this section. 6424

Sec. 3772.12. (A) A person may apply for a gaming-related 6425
 vendor license. All applications shall be ~~made under oath~~ 6426
certified as true. 6427

(B) A person who holds a gaming-related vendor's license is 6428
 authorized to sell or lease, and to contract to sell or lease, 6429
 equipment and supplies to any licensee involved in the ownership 6430
 or management of a casino facility. 6431

(C) Gambling supplies and equipment shall not be distributed 6432
 unless supplies and equipment conform to standards adopted in 6433
 rules adopted by the commission. 6434

Sec. 3772.13. (A) No person may be employed as a key employee 6435
 of a casino operator, management company, or holding company 6436
 unless the person is the holder of a valid key employee license 6437
 issued by the commission. 6438

(B) No person may be employed as a key employee of a 6439
 gaming-related vendor unless that person is either the holder of a 6440
 valid key employee license issued by the commission, or the 6441
 person, at least five business days prior to the first day of 6442
 employment as a key employee, has filed a notification of 6443
 employment with the commission and subsequently files a completed 6444
 application for a key employee license within the first thirty 6445
 days of employment as a key employee. 6446

(C) Each applicant shall, before the issuance of any key 6447
 employee license, produce information, documentation, and 6448
 assurances as are required by this chapter and rules adopted 6449
 thereunder. In addition, each applicant shall, in writing, 6450
 authorize the examination of all bank accounts and records as may 6451
 be deemed necessary by the commission. 6452

(D) To be eligible for a key employee license, the applicant 6453
 shall be at least twenty-one years of age and shall meet the 6454
 criteria set forth by rule by the commission. 6455

(E) Each application for a key employee license shall be on a 6456
 form prescribed by the commission and shall contain all 6457
 information required by the commission. The applicant shall set 6458
 forth in the application if the applicant has been issued prior 6459
 gambling-related licenses; if the applicant has been licensed in 6460

any other state under any other name, and, if so, the name under
which the license was issued and the applicant's age at the time
the license was issued; any criminal conviction the applicant has
had; and if a permit or license issued to the applicant in any
other state has been suspended, restricted, or revoked, and, if
so, the cause and the duration of each action. The applicant also
shall complete a cover sheet for the application on which the
applicant shall disclose the applicant's name, the business
address of the casino operator, management company, holding
company, or gaming-related vendor employing the applicant, the
business address and telephone number of such employer, and the
county, state, and country in which the applicant's residence is
located.

(F) Each applicant shall submit with each application, on a
form provided by the commission, two sets of fingerprints and a
photograph. The commission shall charge each applicant an
application fee set by the commission to cover all actual costs
generated by each licensee and all background checks under this
section and section 3772.07 of the Revised Code.

(G)(1) The casino operator, management company, or holding
company by whom a person is employed as a key employee shall
terminate the person's employment in any capacity requiring a
license under this chapter and shall not in any manner permit the
person to exercise a significant influence over the operation of a
casino facility if:

(a) The person does not apply for and receive a key employee
license within three months of being issued a provisional license,
as established under commission rule.

(b) The person's application for a key employee license is
denied by the commission.

(c) The person's key employee license is revoked by the 6491
commission. 6492

The commission shall notify the casino operator, management 6493
company, or holding company who employs such a person by certified 6494
mail, personal service, common carrier service utilizing any form 6495
of delivery requiring a signed receipt, or by an electronic means 6496
that provides evidence of delivery, of any such finding, denial, 6497
or revocation. 6498

(2) A casino operator, management company, or holding company 6499
shall not pay to a person whose employment is terminated under 6500
division (G)(1) of this section, any remuneration for any services 6501
performed in any capacity in which the person is required to be 6502
licensed, except for amounts due for services rendered before 6503
notice was received under that division. A contract or other 6504
agreement for personal services or for the conduct of any casino 6505
gaming at a casino facility between a casino operator, management 6506
company, or holding company and a person whose employment is 6507
terminated under division (G)(1) of this section may be terminated 6508
by the casino operator, management company, or holding company 6509
without further liability on the part of the casino operator, 6510
management company, or holding company. Any such contract or other 6511
agreement is deemed to include a term authorizing its termination 6512
without further liability on the part of the casino operator, 6513
management company, or holding company upon receiving notice under 6514
division (G)(1) of this section. That a contract or other 6515
agreement does not expressly include such a term is not a defense 6516
in any action brought to terminate the contract or other 6517
agreement, and is not grounds for relief in any action brought 6518
questioning termination of the contract or other agreement. 6519

(3) A casino operator, management company, or holding 6520

company, without having obtained the prior approval of the 6521
 commission, shall not enter into any contract or other agreement 6522
 with a person who has been found unsuitable, who has been denied a 6523
 license, or whose license has been revoked under division (G)(1) 6524
 of this section, or with any business enterprise under the control 6525
 of such a person, after the date on which the casino operator, 6526
 management company, or holding company receives notice under that 6527
 division. 6528

Sec. 3772.131. (A) All casino gaming employees are required 6529
 to have a casino gaming employee license. "Casino gaming employee" 6530
 means the following and their supervisors: 6531

(1) Individuals involved in operating a casino gaming pit, 6532
 including dealers, shifts, clerks, hosts, and junket 6533
 representatives; 6534

(2) Individuals involved in handling money, including 6535
 cashiers, change persons, count teams, and coin wrappers; 6536

(3) Individuals involved in operating casino games; 6537

(4) Individuals involved in operating and maintaining slot 6538
 machines, including mechanics, floor persons, and change and 6539
 payoff persons; 6540

(5) Individuals involved in security, including guards and 6541
 game observers; 6542

(6) Individuals with duties similar to those described in 6543
 divisions (A)(1) to (5) of this section or other persons as the 6544
 commission determines. "Casino gaming employee" does not include 6545
 an individual whose duties are related solely to nongaming 6546
 activities such as entertainment, hotel operation, maintenance, or 6547
 preparing or serving food and beverages. 6548

(B) The commission may issue a casino gaming employee license 6549
to an applicant after it has determined that the applicant is 6550
eligible for a license under rules adopted by the commission and 6551
paid any applicable fee. All applications shall be ~~made under oath~~ 6552
certified as true. 6553

(C) To be eligible for a casino gaming employee license, an 6554
applicant shall be at least twenty-one years of age. 6555

(D) Each application for a casino gaming employee license 6556
shall be on a form prescribed by the commission and shall contain 6557
all information required by the commission. The applicant shall 6558
set forth in the application if the applicant has been issued 6559
prior gambling-related licenses; if the applicant has been 6560
licensed in any other state under any other name, and, if so, the 6561
name under which the license was issued and the applicant's age at 6562
the time the license was issued; any criminal conviction the 6563
applicant has had; and if a permit or license issued to the 6564
applicant in any other state has been suspended, restricted, or 6565
revoked, and, if so, the cause and the duration of each action. 6566

(E) Each applicant shall submit with each application, on a 6567
form provided by the commission, two sets of the applicant's 6568
fingerprints and a photograph. The commission shall charge each 6569
applicant an application fee to cover all actual costs generated 6570
by each licensee and all background checks. 6571

Sec. 3781.08. The board of building standards shall organize 6572
by choosing a ~~chairman~~ chairperson who shall serve for a term of 6573
two years. The department of commerce shall provide and assign to 6574
the board of building standards such ~~stenographers,~~ clerks, 6575
experts, and other employees as are required to enable the board 6576
to perform the duties and exercise the powers imposed upon or 6577

vested in it by law. 6578

Sec. 3781.11. (A) The rules of the board of building standards shall: 6579
6580

(1) For nonresidential buildings, provide uniform minimum standards and requirements, and for residential buildings, provide standards and requirements that are uniform throughout the state, for construction and construction materials, including construction of industrialized units, to make residential and nonresidential buildings safe and sanitary as defined in section 3781.06 of the Revised Code; 6581
6582
6583
6584
6585
6586
6587

(2) Formulate such standards and requirements, so far as may be practicable, in terms of performance objectives, so as to make adequate performance for the use intended the test of acceptability; 6588
6589
6590
6591

(3) Permit, to the fullest extent feasible, the use of materials and technical methods, devices, and improvements, including the use of industrialized units which tend to reduce the cost of construction and erection without affecting minimum requirements for the health, safety, and security of the occupants or users of buildings or industrialized units and without preferential treatment of types or classes of materials or products or methods of construction; 6592
6593
6594
6595
6596
6597
6598
6599

(4) Encourage, so far as may be practicable, the standardization of construction practices, methods, equipment, material, and techniques, including methods employed to produce industrialized units; 6600
6601
6602
6603

(5) Not require any alteration or repair of any part of a school building owned by a chartered nonpublic school or a city, local, exempted village, or joint vocational school district and 6604
6605
6606

operated in conjunction with any primary or secondary school 6607
program that is not being altered or repaired if all of the 6608
following apply: 6609

(a) The school building meets all of the applicable building 6610
code requirements in existence at the time of the construction of 6611
the building. 6612

(b) The school building otherwise satisfies the requirements 6613
of section 3781.06 of the Revised Code. 6614

(c) The part of the school building altered or repaired 6615
conforms to all rules of the board existing on the date of the 6616
repair or alteration. 6617

(6) Not require any alteration or repair to any part of a 6618
workshop or factory that is not otherwise being altered, repaired, 6619
or added to if all of the following apply: 6620

(a) The workshop or factory otherwise satisfies the 6621
requirements of section 3781.06 of the Revised Code. 6622

(b) The part of the workshop or factory altered, repaired, or 6623
added conforms to all rules of the board existing on the date of 6624
plan approval of the repair, alteration, or addition. 6625

(B) The rules of the board shall supersede and govern any 6626
order, standard, or rule of the division of industrial compliance 6627
in the department of commerce, division of the state fire marshal, 6628
the department of health, and of counties and townships, in all 6629
cases where such orders, standards, or rules are in conflict with 6630
the rules of the board, except that rules adopted and orders 6631
issued by the state fire marshal pursuant to Chapter 3743. of the 6632
Revised Code prevail in the event of a conflict. 6633

(C) The construction, alteration, erection, and repair of 6634
buildings including industrialized units, and the materials and 6635

devices of any kind used in connection with them and the heating 6636
 and ventilating of them and the plumbing and electric wiring in 6637
 them shall conform to the statutes of this state or the rules 6638
 adopted and promulgated by the board, and to provisions of local 6639
 ordinances not inconsistent therewith. Any building, structure, or 6640
 part thereof, constructed, erected, altered, manufactured, or 6641
 repaired not in accordance with the statutes of this state or with 6642
 the rules of the board, and any building, structure, or part 6643
 thereof in which there is installed, altered, or repaired any 6644
 fixture, device, and material, or plumbing, heating, or 6645
 ventilating system, or electric wiring not in accordance with such 6646
 statutes or rules is a public nuisance. 6647

(D) As used in this section: 6648

(1) "Nonpublic school" means a chartered school for which 6649
 minimum standards are prescribed by the state board of education 6650
 pursuant to division (D) of section 3301.07 of the Revised Code. 6651

(2) "Workshop or factory" includes manufacturing, mechanical, 6652
 electrical, mercantile, art, and laundering establishments, 6653
 printing, ~~telegraph~~, and telephone offices, railroad depots, and 6654
 memorial buildings, but does not include hotels and tenement and 6655
 apartment houses. 6656

Sec. 3781.25. As used in sections 3781.25 to 3781.38 of the 6657
 Revised Code: 6658

(A) "Protection service" means a notification center, but not 6659
 an owner of an individual utility, that exists for the purpose of 6660
 receiving notice from persons that prepare plans and 6661
 specifications for or that engage in excavation work, that 6662
 distributes this information to its members and participants, and 6663
 that has registered by March 14, 1989, with the secretary of state 6664

and the public utilities commission of Ohio under former division 6665
 (F) of section 153.64 of the Revised Code as it existed on that 6666
 date. 6667

(B) "Underground utility facility" includes any item buried 6668
 or placed below ground or submerged under water for use in 6669
 connection with the storage or conveyance of water or sewage; 6670
 electronic, or telephonic, ~~or telegraphic~~ communications; 6671
 television signals; electricity; crude oil; petroleum products; 6672
 artificial or liquefied petroleum; manufactured, mixed, or natural 6673
 gas; synthetic or liquefied natural gas; propane gas; coal; steam; 6674
 hot water; or other substances. "Underground utility facility" 6675
 includes all operational underground pipes, sewers, tubing, 6676
 conduits, cables, valves, lines, wires, worker access holes, and 6677
 attachments, owned by any person, firm, or company. "Underground 6678
 utility facility" does not include a private septic system in a 6679
 one-family or multi-family dwelling utilized only for that 6680
 dwelling and not connected to any other system. 6681

(C) "Utility" means any owner or operator, or an agent of an 6682
 owner or operator, of an underground utility facility, including 6683
 any public authority, that owns or operates an underground utility 6684
 facility. "Utility" does not include the owners of the following 6685
 types of real property with respect to any underground utility 6686
 facility located on that property: 6687

(1) The owner of a single-family or two-, three-, or 6688
 four-unit residential dwelling; 6689

(2) The owner of an apartment complex; 6690

(3) The owner of a commercial or industrial building or 6691
 complex of buildings, including but not limited to, factories and 6692
 shopping centers; 6693

(4) The owner of a farm;	6694
(5) The owner of an exempt domestic well as defined in section 1509.01 of the Revised Code.	6695 6696
(D) "Approximate location" means the immediate area within the perimeter of a proposed excavation site where the underground utility facilities are located.	6697 6698 6699
(E) "Tolerance zone" means the site of the underground utility facility including the width of the underground utility facility plus eighteen inches on each side of the facility.	6700 6701 6702
(F) "Working days" excludes Saturdays, Sundays, and legal holidays as defined in section 1.14 of the Revised Code and "hours" excludes hours on Saturdays, Sundays, and legal holidays.	6703 6704 6705
(G) "Designer" means an engineer, architect, landscape architect, contractor, surveyor, or other person who develops plans or designs for real property improvement or any other activity that will involve excavation.	6706 6707 6708 6709
(H) "Developer" means the person for whom the excavation is made and who will own or be the lessee of any improvement that is the object of the excavation.	6710 6711 6712
(I) "Excavation" means the use of hand tools, powered equipment, or explosives to move earth, rock, or other materials in order to penetrate or bore or drill into the earth, or to demolish any structure whether or not it is intended that the demolition will disturb the earth. "Excavation" includes such agricultural operations as the installation of drain tile, but excludes agricultural operations such as tilling that do not penetrate the earth to a depth of more than twelve inches. "Excavation" excludes any activity by a governmental entity which does not penetrate the earth to a depth of more than twelve	6713 6714 6715 6716 6717 6718 6719 6720 6721 6722

inches. "Excavation" excludes coal mining and reclamation 6723
operations regulated under Chapter 1513. of the Revised Code and 6724
rules adopted under it. 6725

(J) "Excavation site" means the area within which excavation 6726
will be performed. 6727

(K) "Excavator" means the person or persons responsible for 6728
making the actual excavation. 6729

(L) "Interstate gas pipeline" means an interstate gas 6730
pipeline subject to the "Natural Gas Pipeline Safety Act of 1968," 6731
82 Stat. 720, 49 U.S.C. 1671, as amended. 6732

(M) "Interstate hazardous liquids pipeline" means an 6733
interstate hazardous liquids pipeline subject to the "Hazardous 6734
Liquid Pipeline Safety Act of 1979," 93 Stat. 1003, 49 U.S.C. 6735
2002, as amended. 6736

(N) "Special notification requirements" means requirements 6737
for notice to an owner of an interstate hazardous liquids pipeline 6738
or an interstate gas pipeline that must be made prior to 6739
commencing excavation and pursuant to the owner's public safety 6740
program adopted under federal law. 6741

(O) "Commercial excavator" means any excavator, excluding a 6742
utility as defined in this section, that satisfies both of the 6743
following: 6744

(1) For compensation, performs, directs, supervises, or is 6745
responsible for the excavation, construction, improvement, 6746
renovation, repair, or maintenance on a construction project and 6747
holds out or represents oneself as qualified or permitted to act 6748
as such; 6749

(2) Employs tradespersons who actually perform excavation, 6750
construction, improvement, renovation, repair, or maintenance on a 6751

construction project. 6752

(P) "Person" has the same meaning as in section 1.59 of the Revised Code and also includes a public authority. 6753
6754

(Q) "Positive response system" means an automated system facilitated by a protection service allowing a utility to communicate to an excavator the presence or absence of any conflict between the existing underground utility facilities and the proposed excavation site. 6755
6756
6757
6758
6759

(R) "One-call notification system" means the software or communications system used by a protection system to notify its membership of proposed excavation sites. 6760
6761
6762

(S) "Project" means any undertaking by a private party of an improvement requiring excavation. 6763
6764

(T) "Public authority" has the same meaning as in section 153.64 of the Revised Code. 6765
6766

(U) "Improvement" means any construction, reconstruction, improvement, enlargement, alteration, or repair of a building, highway, drainage system, water system, road, street, alley, sewer, ditch, sewage disposal plant, water works, and all other structures or works of any nature. 6767
6768
6769
6770
6771

(V) "Emergency" means an unexpected occurrence causing a disruption or damage to an underground utility facility that requires immediate repair or a situation that creates a clear and imminent danger that demands immediate action to prevent or mitigate loss of or damage to life, health, property, or essential public services. 6772
6773
6774
6775
6776
6777

(W) "Nondestructive manner" means using low-impact, low-risk technologies such as hand tools, or hydro or air vacuum excavation equipment. 6778
6779
6780

(X) "Cable service provider" has the same meaning as in 6781
section 1332.01 of the Revised Code. 6782

(Y) "Electric cooperative" and "electric utility" have the 6783
same meanings as in section 4928.01 of the Revised Code. 6784

Sec. 3781.29. (A)(1) Except as otherwise provided in division 6785
(A)(2) of this section, within forty-eight hours of receiving 6786
notice under section 3781.28 of the Revised Code, each utility 6787
shall review the status of its facilities within the excavation 6788
site, locate and mark its underground utility facilities at the 6789
excavation site in such a manner as to indicate their course, and 6790
report the appropriate information to the protection service for 6791
its positive response system. If a utility does not mark its 6792
underground utility facilities or contact the excavator within 6793
that time, the utility is deemed to have given notice that it does 6794
not have any facilities at the excavation site. If the utility 6795
cannot accurately mark the facilities, the utility shall mark them 6796
to the best of its ability, notify the excavator using the 6797
positive response system that the markings may not be accurate, 6798
and provide additional guidance to the excavator in locating the 6799
facilities as needed during the excavation. 6800

(2) In the case of an interstate hazardous liquids pipeline 6801
or an interstate gas pipeline, the owner of the pipeline shall 6802
locate and mark its pipeline within the time frame established in 6803
the public safety program of the owner. 6804

(B) Unless a facility actually is uncovered or probed by the 6805
utility or excavator, any indications of the depth of the facility 6806
shall be treated as estimates only. 6807

(C)(1) Except as provided in division (C)(2) of this section, 6808
a utility shall mark its underground facilities using the 6809

following color codes:		6810
Type of Underground		6811
Utility Facility	Color	6812
Electric power transmission	Safety red	6813
and distribution		6814
Gas transmission and distribution	High visibility safety yellow	6815
Oil transmission and distribution	High visibility safety yellow	6816
Dangerous materials, product	High visibility safety yellow	6817
lines, and steam lines		6818
Telephone and telegraph systems	Safety alert orange	6819
Police and fire communications	Safety alert orange	6820
Cable television	Safety alert orange	6821
Water systems	Safety precaution blue	6822
Slurry systems	Safety precaution purple	6823
Sewer lines	Safety green.	6824

(2) All underground facilities shall be marked in accordance with the Ohio universal marking standards that are on file with the Ohio utilities protection service. Industry representatives serving on Ohio damage prevention councils shall review the marking standards every two years.

(D) Except as otherwise provided in divisions (E) and (F) of this section, prior to notifying a protection service of the proposed excavation, an excavator shall define and premark the approximate location. Proposed construction or excavation markings shall be made in white through the use of an industry-recognized method such as chalk-based paint, flags, stakes, or other method applicable to the specific site and when possible shall indicate the excavator's identity by name, abbreviation, or initial.

(E)(1) Before beginning an emergency excavation, or as soon as possible thereafter, an excavator shall make every effort to

notify a protection service of the excavation. In providing 6840
notification, the excavator shall provide, at a minimum: 6841

(a) The name of the individual notifying the protection 6842
service; 6843

(b) The name, address, any electronic mail address, and ~~any~~ 6844
telephone ~~and facsimile~~ numbers of the excavator; 6845

(c) The specific location of the excavation site; 6846

(d) A description of the excavation. 6847

(2) Upon receiving the information set forth in division 6848
(E)(1) of this section, the protection service shall provide the 6849
excavator with a reference number and a list of utilities that the 6850
protection service intends to notify. The protection service shall 6851
immediately notify each utility that according to the registration 6852
information provided under section 3781.26 of the Revised Code has 6853
facilities located within the designated area of the emergency 6854
excavation. 6855

(3) Any utility notified of an emergency excavation may 6856
inspect all of its underground utility facilities located at the 6857
emergency excavation site and may take any otherwise lawful action 6858
it considers necessary to prevent disturbance to or interference 6859
with its facilities during excavation. 6860

(F) An excavator is not required to premark the approximate 6861
location of an excavation as provided in division (D) of this 6862
section in any of the following situations: 6863

(1) The utility can determine the precise location, 6864
direction, size, and length of the proposed excavation site by 6865
referring to the notification provided by the protection service 6866
pursuant to sections 3781.27 and 3781.28 of the Revised Code. 6867

(2) The excavator and the affected utility have had an on-site, preconstruction meeting for the purpose of premarking the excavation site.

(3) The excavation involves replacing a pole that is within five feet of the location of an existing pole.

(4) Premarking by the excavator would clearly interfere with pedestrian or vehicular traffic control.

Sec. 3781.342. (A) The underground technical committee may conduct meetings in person, by teleconference, or by video conference.

(B) The committee shall establish a primary meeting location that is open and accessible to the public.

(C) Before convening a meeting by teleconference or video conference, the committee shall send, via electronic mail, ~~facsimile~~, or United States postal service, a copy of meeting-related documents to each committee member.

(D) The minutes of each meeting shall specify who was attending by teleconference, who was attending by video conference, and who was physically present. Any vote taken in a meeting held by teleconference that is not unanimous shall be recorded as a roll call vote.

Sec. 3904.08. (A) If any individual, after proper identification, submits a written request to an insurance institution, agent, or insurance support organization for access to recorded personal information about the individual that is reasonably described by the individual and reasonably locatable and retrievable by the insurance institution, agent, or insurance support organization, the insurance institution, agent, or

insurance support organization, within thirty business days from 6896
the date such request is received, shall do all of the following: 6897

(1) Inform the individual of the nature and substance of such 6898
recorded personal information in writing, by telephone, or by 6899
other oral communication, whichever the insurance institution, 6900
agent, or insurance support organization prefers; 6901

(2) Permit the individual to ~~see and copy, in person, such~~ 6902
~~recorded personal information pertaining to him or to obtain a~~ 6903
~~copy of such recorded personal information by mail, whichever the~~ 6904
~~individual prefers~~ in a manner agreed upon by the individual and 6905
insurance institution, agent, or insurance support organization, 6906
unless such recorded personal information is in coded form, in 6907
which case an accurate translation in plain language shall be 6908
provided in writing; 6909

(3) Disclose to the individual the identity, if recorded, of 6910
those persons to whom the insurance institution, agent, or 6911
insurance support organization has disclosed such personal 6912
information within two years prior to such request, and if the 6913
identity is not recorded, the names of those insurance 6914
institutions, agents, insurance support organizations, or other 6915
persons to whom such information is normally disclosed; 6916

(4) Provide the individual with a summary of the procedures 6917
by which ~~he~~ the individual may request correction, amendment, or 6918
deletion of recorded personal information. 6919

(B) Any personal information provided pursuant to division 6920
(A) of this section shall identify the source of the information 6921
if such source is an institutional source. 6922

(C) Medical record information supplied by a medical care 6923
institution or medical professional and requested under division 6924
(A) of this section, together with the identity of the medical 6925

professional or medical care institution that provided such 6926
information, shall be supplied either directly to the individual 6927
or to a medical professional designated by the individual and 6928
licensed to provide medical care with respect to the condition to 6929
which the information relates, whichever the insurance 6930
institution, agent, or insurance support organization prefers. If 6931
it elects to disclose the information to a medical professional 6932
designated by the individual, the insurance institution, agent, or 6933
insurance support organization shall notify the individual, at the 6934
time of the disclosure, that it has provided the information to 6935
the medical professional. 6936

(D) Except for personal information provided under section 6937
3904.10 of the Revised Code, an insurance institution, agent, or 6938
insurance support organization may charge a reasonable fee to 6939
cover the costs incurred in providing a copy of recorded personal 6940
information to individuals. 6941

(E) The obligations imposed by this section upon an insurance 6942
institution or agent may be satisfied by another insurance 6943
institution or agent authorized to act on its behalf. With respect 6944
to the copying and disclosure of recorded personal information 6945
pursuant to a request under division (A) of this section, an 6946
insurance institution, agent, or insurance support organization 6947
may make arrangements with an insurance support organization or a 6948
consumer reporting agency to copy and disclose recorded personal 6949
information on its behalf. 6950

(F) The rights granted to individuals in this section extend 6951
to all natural persons to the extent information about them is 6952
collected and maintained by an insurance institution, agent, or 6953
insurance support organization in connection with an insurance 6954
transaction. The rights granted to all natural persons by this 6955

division do not extend to information about them that relates to 6956
 and is collected in connection with or in reasonable anticipation 6957
 of a claim or civil or criminal proceeding involving them. 6958

(G) This section does not apply to a consumer reporting 6959
 agency. 6960

Sec. 4121.19. A full and complete record shall be kept of all 6961
 proceedings had before the bureau of workers' compensation on any 6962
 investigation, ~~and all testimony shall be taken down by a~~ 6963
~~stenographer appointed by the bureau.~~ 6964

Sec. 4123.512. (A) The claimant or the employer may appeal an 6965
 order of the industrial commission made under division (E) of 6966
 section 4123.511 of the Revised Code in any injury or occupational 6967
 disease case, other than a decision as to the extent of disability 6968
 to the court of common pleas of the county in which the injury was 6969
 inflicted or in which the contract of employment was made if the 6970
 injury occurred outside the state, or in which the contract of 6971
 employment was made if the exposure occurred outside the state. If 6972
 no common pleas court has jurisdiction for the purposes of an 6973
 appeal by the use of the jurisdictional requirements described in 6974
 this division, the appellant may use the venue provisions in the 6975
 Rules of Civil Procedure to vest jurisdiction in a court. If the 6976
 claim is for an occupational disease, the appeal shall be to the 6977
 court of common pleas of the county in which the exposure which 6978
 caused the disease occurred. Like appeal may be taken from an 6979
 order of a staff hearing officer made under division (D) of 6980
 section 4123.511 of the Revised Code from which the commission has 6981
 refused to hear an appeal. Except as otherwise provided in this 6982
 division, the appellant shall file the notice of appeal with a 6983
 court of common pleas within sixty days after the date of the 6984

receipt of the order appealed from or the date of receipt of the 6985
order of the commission refusing to hear an appeal of a staff 6986
hearing officer's decision under division (D) of section 4123.511 6987
of the Revised Code. Either the claimant or the employer may file 6988
a notice of an intent to settle the claim within thirty days after 6989
the date of the receipt of the order appealed from or of the order 6990
of the commission refusing to hear an appeal of a staff hearing 6991
officer's decision. The claimant or employer shall file notice of 6992
intent to settle with the administrator of workers' compensation, 6993
and the notice shall be served on the opposing party and the 6994
party's representative. The filing of the notice of intent to 6995
settle extends the time to file an appeal to one hundred fifty 6996
days, unless the opposing party files an objection to the notice 6997
of intent to settle within fourteen days after the date of the 6998
receipt of the notice of intent to settle. The party shall file 6999
the objection with the administrator, and the objection shall be 7000
served on the party that filed the notice of intent to settle and 7001
the party's representative. The filing of the notice of the appeal 7002
with the court is the only act required to perfect the appeal. 7003

If an action has been commenced in a court of a county other 7004
than a court of a county having jurisdiction over the action, the 7005
court, upon notice by any party or upon its own motion, shall 7006
transfer the action to a court of a county having jurisdiction. 7007

Notwithstanding anything to the contrary in this section, if 7008
the commission determines under section 4123.522 of the Revised 7009
Code that an employee, employer, or their respective 7010
representatives have not received written notice of an order or 7011
decision which is appealable to a court under this section and 7012
which grants relief pursuant to section 4123.522 of the Revised 7013
Code, the party granted the relief has sixty days from receipt of 7014

the order under section 4123.522 of the Revised Code to file a
notice of appeal under this section.

7015
7016

(B) The notice of appeal shall state the names of the
administrator of workers' compensation, the claimant, and the
employer; the number of the claim; the date of the order appealed
from; and the fact that the appellant appeals therefrom.

7017
7018
7019
7020

The administrator, the claimant, and the employer shall be
parties to the appeal and the court, upon the application of the
commission, shall make the commission a party. The party filing
the appeal shall serve a copy of the notice of appeal on the
administrator at the central office of the bureau of workers'
compensation in Columbus. The administrator shall notify the
employer that if the employer fails to become an active party to
the appeal, then the administrator may act on behalf of the
employer and the results of the appeal could have an adverse
effect upon the employer's premium rates or may result in a
recovery from the employer if the employer is determined to be a
noncomplying employer under section 4123.75 of the Revised Code.

7021
7022
7023
7024
7025
7026
7027
7028
7029
7030
7031
7032

(C) The attorney general or one or more of the attorney
general's assistants or special counsel designated by the attorney
general shall represent the administrator and the commission. In
the event the attorney general or the attorney general's
designated assistants or special counsel are absent, the
administrator or the commission shall select one or more of the
attorneys in the employ of the administrator or the commission as
the administrator's attorney or the commission's attorney in the
appeal. Any attorney so employed shall continue the representation
during the entire period of the appeal and in all hearings thereof
except where the continued representation becomes impractical.

7033
7034
7035
7036
7037
7038
7039
7040
7041
7042
7043

(D) Upon receipt of notice of appeal, the clerk of courts

7044

shall provide notice to all parties who are appellees and to the
commission.

7045
7046

The claimant shall, within thirty days after the filing of
the notice of appeal, file a petition containing a statement of
facts in ordinary and concise language showing a cause of action
to participate or to continue to participate in the fund and
setting forth the basis for the jurisdiction of the court over the
action. Further pleadings shall be had in accordance with the
Rules of Civil Procedure, provided that service of summons on such
petition shall not be required and provided that the claimant may
not dismiss the complaint without the employer's consent if the
employer is the party that filed the notice of appeal to court
pursuant to this section. The clerk of the court shall, upon
receipt thereof, transmit by certified mail a copy thereof to each
party named in the notice of appeal other than the claimant. Any
party may file with the clerk prior to the trial of the action a
deposition of any physician taken in accordance with the
provisions of the Revised Code, which deposition may be read in
the trial of the action even though the physician is a resident of
or subject to service in the county in which the trial is had. The
bureau of workers' compensation shall pay the cost of the
~~stenographic~~ deposition filed in court and of copies of the
~~stenographic~~ deposition for each party from the surplus fund and
charge the costs thereof against the unsuccessful party if the
claimant's right to participate or continue to participate is
finally sustained or established in the appeal. In the event the
deposition is taken and filed, the physician whose deposition is
taken is not required to respond to any subpoena issued in the
trial of the action. The court, or the jury under the instructions
of the court, if a jury is demanded, shall determine the right of
the claimant to participate or to continue to participate in the

7047
7048
7049
7050
7051
7052
7053
7054
7055
7056
7057
7058
7059
7060
7061
7062
7063
7064
7065
7066
7067
7068
7069
7070
7071
7072
7073
7074
7075

fund upon the evidence adduced at the hearing of the action. 7076

(E) The court shall certify its decision to the commission 7077
and the certificate shall be entered in the records of the court. 7078
Appeals from the judgment are governed by the law applicable to 7079
the appeal of civil actions. 7080

(F) The cost of any legal proceedings authorized by this 7081
section, including an attorney's fee to the claimant's attorney to 7082
be fixed by the trial judge, based upon the effort expended, in 7083
the event the claimant's right to participate or to continue to 7084
participate in the fund is established upon the final 7085
determination of an appeal, shall be taxed against the employer or 7086
the commission if the commission or the administrator rather than 7087
the employer contested the right of the claimant to participate in 7088
the fund. The attorney's fee shall not exceed five thousand 7089
dollars. 7090

(G) If the finding of the court or the verdict of the jury is 7091
in favor of the claimant's right to participate in the fund, the 7092
commission and the administrator shall thereafter proceed in the 7093
matter of the claim as if the judgment were the decision of the 7094
commission, subject to the power of modification provided by 7095
section 4123.52 of the Revised Code. 7096

(H)(1) An appeal from an order issued under division (E) of 7097
section 4123.511 of the Revised Code or any action filed in court 7098
in a case in which an award of compensation or medical benefits 7099
has been made shall not stay the payment of compensation or 7100
medical benefits under the award, or payment for subsequent 7101
periods of total disability or medical benefits during the 7102
pendency of the appeal. If, in a final administrative or judicial 7103
action, it is determined that payments of compensation or 7104
benefits, or both, made to or on behalf of a claimant should not 7105

have been made, the amount thereof shall be charged to the surplus
fund account under division (B) of section 4123.34 of the Revised
Code. In the event the employer is a state risk, the amount shall
not be charged to the employer's experience, and the administrator
shall adjust the employer's account accordingly. In the event the
employer is a self-insuring employer, the self-insuring employer
shall deduct the amount from the paid compensation the
self-insuring employer reports to the administrator under division
(L) of section 4123.35 of the Revised Code. If an employer is a
state risk and has paid an assessment for a violation of a
specific safety requirement, and, in a final administrative or
judicial action, it is determined that the employer did not
violate the specific safety requirement, the administrator shall
reimburse the employer from the surplus fund account under
division (B) of section 4123.34 of the Revised Code for the amount
of the assessment the employer paid for the violation.

(2)(a) Notwithstanding a final determination that payments of
benefits made to or on behalf of a claimant should not have been
made, the administrator or self-insuring employer shall award
payment of medical or vocational rehabilitation services submitted
for payment after the date of the final determination if all of
the following apply:

(i) The services were approved and were rendered by the
provider in good faith prior to the date of the final
determination.

(ii) The services were payable under division (I) of section
4123.511 of the Revised Code prior to the date of the final
determination.

(iii) The request for payment is submitted within the time
limit set forth in section 4123.52 of the Revised Code.

(b) Payments made under division (H)(1) of this section shall 7136
 be charged to the surplus fund account under division (B) of 7137
 section 4123.34 of the Revised Code. If the employer of the 7138
 employee who is the subject of a claim described in division 7139
 (H)(2)(a) of this section is a state fund employer, the payments 7140
 made under that division shall not be charged to the employer's 7141
 experience. If that employer is a self-insuring employer, the 7142
 self-insuring employer shall deduct the amount from the paid 7143
 compensation the self-insuring employer reports to the 7144
 administrator under division (L) of section 4123.35 of the Revised 7145
 Code. 7146

(c) Division (H)(2) of this section shall apply only to a 7147
 claim under this chapter or Chapter 4121., 4127., or 4131. of the 7148
 Revised Code arising on or after July 29, 2011. 7149

(3) A self-insuring employer may elect to pay compensation 7150
 and benefits under this section directly to an employee or an 7151
 employee's dependents by filing an application with the bureau of 7152
 workers' compensation not more than one hundred eighty days and 7153
 not less than ninety days before the first day of the employer's 7154
 next six-month coverage period. If the self-insuring employer 7155
 timely files the application, the application is effective on the 7156
 first day of the employer's next six-month coverage period, 7157
 provided that the administrator shall compute the employer's 7158
 assessment for the surplus fund account due with respect to the 7159
 period during which that application was filed without regard to 7160
 the filing of the application. On and after the effective date of 7161
 the employer's election, the self-insuring employer shall pay 7162
 directly to an employee or to an employee's dependents 7163
 compensation and benefits under this section regardless of the 7164
 date of the injury or occupational disease, and the employer shall 7165
 receive no money or credits from the surplus fund account on 7166

account of those payments and shall not be required to pay any 7167
 amounts into the surplus fund account on account of this section. 7168
 The election made under this division is irrevocable. 7169

(I) All actions and proceedings under this section which are 7170
 the subject of an appeal to the court of common pleas or the court 7171
 of appeals shall be preferred over all other civil actions except 7172
 election causes, irrespective of position on the calendar. 7173

This section applies to all decisions of the commission or 7174
 the administrator on November 2, 1959, and all claims filed 7175
 thereafter are governed by sections 4123.511 and 4123.512 of the 7176
 Revised Code. 7177

Any action pending in common pleas court or any other court 7178
 on January 1, 1986, under this section is governed by former 7179
 sections 4123.514, 4123.515, 4123.516, and 4123.519 and section 7180
 4123.522 of the Revised Code. 7181

Sec. 4123.52. (A) The jurisdiction of the industrial 7182
 commission and the authority of the administrator of workers' 7183
 compensation over each case is continuing, and the commission may 7184
 make such modification or change with respect to former findings 7185
 or orders with respect thereto, as, in its opinion is justified. 7186
 No modification or change nor any finding or award in respect of 7187
 any claim shall be made with respect to disability, compensation, 7188
 dependency, or benefits, after five years from the date of injury 7189
 in the absence of the payment of medical benefits under this 7190
 chapter or in the absence of payment of compensation under section 7191
 4123.57, 4123.58, or division (A) or (B) of section 4123.56 of the 7192
 Revised Code or wages in lieu of compensation in a manner so as to 7193
 satisfy the requirements of section 4123.84 of the Revised Code, 7194
 in which event the modification, change, finding, or award shall 7195

be made within five years from the date of the last payment of 7196
compensation or from the date of death, nor unless written notice 7197
of claim for the specific part or parts of the body injured or 7198
disabled has been given as provided in section 4123.84 or 4123.85 7199
of the Revised Code. The commission shall not make any 7200
modification, change, finding, or award which shall award 7201
compensation for a back period in excess of two years prior to the 7202
date of filing application therefor. 7203

(B) Notwithstanding division (A) of this section, and except 7204
as otherwise provided in a rule that shall be adopted by the 7205
administrator, with the advice and consent of the bureau of 7206
workers' compensation board of directors, neither the 7207
administrator nor the commission shall make any finding or award 7208
for payment of medical or vocational rehabilitation services 7209
submitted for payment more than one year after the date the 7210
services were rendered or more than one year after the date the 7211
services became payable under division (I) of section 4123.511 of 7212
the Revised Code, whichever is later. No medical or vocational 7213
rehabilitation provider shall bill a claimant for services 7214
rendered if the administrator or commission is prohibited from 7215
making that payment under this division. 7216

(C) Division (B) of this section does not apply to requests 7217
made by the centers for medicare and medicaid services in the 7218
United States department of health and human services for 7219
reimbursement of conditional payments made pursuant to section 7220
1395y(b)(2) of title 42, United States Code (commonly known as the 7221
"Medicare Secondary Payer Act"). 7222

(D) This section does not affect the right of a claimant to 7223
compensation accruing subsequent to the filing of any such 7224
application, provided the application is filed within the time 7225
limit provided in this section. 7226

(E) This section does not deprive the commission of its 7227
continuing jurisdiction to determine the questions raised by any 7228
application for modification of award which has been filed with 7229
the commission after June 1, 1932, and prior to the expiration of 7230
the applicable period but in respect to which no award has been 7231
granted or denied during the applicable period. 7232

(F) The commission may, by general rules, provide for the 7233
destruction of files of cases in which no further action may be 7234
taken. 7235

(G) The commission and administrator of workers' compensation 7236
each may, by general rules, provide for the retention and 7237
destruction of all other records in their possession or under 7238
their control pursuant to section 121.211 and sections 149.34 to 7239
149.36 of the Revised Code. The bureau of workers' compensation 7240
may purchase or rent required equipment for the document retention 7241
media, as determined necessary to preserve the records. 7242
Photographs, microphotographs, microfilm, films, or other direct 7243
or electronic document retention media, when properly identified, 7244
have the same effect as the original record and may be offered in 7245
like manner and may be received as evidence in proceedings before 7246
the industrial commission, staff hearing officers, and district 7247
hearing officers, and in any court where the original record could 7248
have been introduced. 7249

Sec. 4125.03. (A) The professional employer organization with 7250
whom a shared employee is coemployed shall do all of the 7251
following: 7252

(1) Pay wages associated with a shared employee pursuant to 7253
the terms and conditions of compensation in the professional 7254
employer organization agreement between the professional employer 7255

organization and the client employer; 7256

(2) Pay all related payroll taxes associated with a shared 7257
employee independent of the terms and conditions contained in the 7258
professional employer organization agreement between the 7259
professional employer organization and the client employer; 7260

(3) Maintain workers' compensation coverage, pay all workers' 7261
compensation premiums and manage all workers' compensation claims, 7262
filings, and related procedures associated with a shared employee 7263
in compliance with Chapters 4121. and 4123. of the Revised Code, 7264
except that when shared employees include family farm officers, 7265
ordained ministers, or corporate officers of the client employer, 7266
payroll reports shall include the entire amount of payroll 7267
associated with those persons; 7268

(4) Provide written notice to each shared employee it assigns 7269
to perform services to a client employer of the relationship 7270
between and the responsibilities of the professional employer 7271
organization and the client employer; 7272

(5) Maintain complete records separately listing the manual 7273
classifications of each client employer and the payroll reported 7274
to each manual classification for each client employer for each 7275
payroll reporting period during the time period covered in the 7276
professional employer organization agreement; 7277

(6) Maintain a record of workers' compensation claims for 7278
each client employer; 7279

(7) Make periodic reports, as determined by the administrator 7280
of workers' compensation, of client employers and total workforce 7281
to the administrator; 7282

(8) Report individual client employer payroll, claims, and 7283
classification data under a separate and unique subaccount to the 7284

administrator; 7285

(9) Within fourteen days after receiving notice from the 7286
bureau of workers' compensation that a refund or rebate will be 7287
applied to workers' compensation premiums, provide a copy of that 7288
notice to any client employer to whom that notice is relevant. 7289

(B) The professional employer organization with whom a shared 7290
employee is coemployed shall provide a list of all of the 7291
following information to the client employer upon the written 7292
request of the client employer: 7293

(1) All workers' compensation claims, premiums, and payroll 7294
associated with that client employer; 7295

(2) Compensation and benefits paid and reserves established 7296
for each claim listed under division (B)(1) of this section; 7297

(3) Any other information available to the professional 7298
employer organization from the bureau of workers' compensation 7299
regarding that client employer. 7300

(C)(1) A professional employer organization shall provide the 7301
information required under division (B) of this section in writing 7302
to the requesting client employer within forty-five days after 7303
receiving a written request from the client employer. 7304

(2) For purposes of division (C) of this section, a 7305
professional employer organization has provided the required 7306
information to the client employer when ~~the~~ any of the following 7307
occur: 7308

(a) The information is received by the United States postal 7309
service ~~or when the~~i 7310

(b) The information is personally delivered, in writing, 7311
directly to the client employer;i 7312

(c) The information is delivered by electronic mail to the 7313
client employer. 7314

(D) Except as provided in section 4125.08 of the Revised Code 7315
 and unless otherwise agreed to in the professional employer 7316
 organization agreement, the professional employer organization 7317
 with whom a shared employee is coemployed has a right of direction 7318
 and control over each shared employee assigned to a client 7319
 employer's location. However, a client employer shall retain 7320
 sufficient direction and control over a shared employee as is 7321
 necessary to do any of the following: 7322

(1) Conduct the client employer's business, including 7323
 training and supervising shared employees; 7324

(2) Ensure the quality, adequacy, and safety of the goods or 7325
 services produced or sold in the client employer's business; 7326

(3) Discharge any fiduciary responsibility that the client 7327
 employer may have; 7328

(4) Comply with any applicable licensure, regulatory, or 7329
 statutory requirement of the client employer. 7330

(E) Unless otherwise agreed to in the professional employer 7331
 organization agreement, liability for acts, errors, and omissions 7332
 shall be determined as follows: 7333

(1) A professional employer organization shall not be liable 7334
 for the acts, errors, and omissions of a client employer or a 7335
 shared employee when those acts, errors, and omissions occur under 7336
 the direction and control of the client employer. 7337

(2) A client employer shall not be liable for the acts, 7338
 errors, and omissions of a professional employer organization or a 7339
 shared employee when those acts, errors, and omissions occur under 7340
 the direction and control of the professional employer 7341

organization. 7342

(F) Nothing in divisions (D) and (E) of this section shall be 7343
construed to limit any liability or obligation specifically agreed 7344
to in the professional employer organization agreement. 7345

Sec. 4141.09. (A) There is hereby created an unemployment 7346
compensation fund to be administered by the state without 7347
liability on the part of the state beyond the amounts paid into 7348
the fund and earned by the fund. The unemployment compensation 7349
fund shall consist of all contributions, payments in lieu of 7350
contributions described in sections 4141.241 and 4141.242 of the 7351
Revised Code, reimbursements of the federal share of extended 7352
benefits described in section 4141.301 of the Revised Code, 7353
collected under sections 4141.01 to 4141.56 of the Revised Code, 7354
and the amount required under division (A)(4) of section 4141.35 7355
of the Revised Code, together with all interest earned upon any 7356
moneys deposited with the secretary of the treasury of the United 7357
States to the credit of the account of this state in the 7358
unemployment trust fund established and maintained pursuant to 7359
section 904 of the "Social Security Act," any property or 7360
securities acquired through the use of moneys belonging to the 7361
fund, and all earnings of such property or securities. The 7362
unemployment compensation fund shall be used to pay benefits, 7363
shared work compensation as defined in section 4141.50 of the 7364
Revised Code, and refunds as provided by such sections and for no 7365
other purpose. 7366

(B) The treasurer of state shall be the custodian of the 7367
unemployment compensation fund and shall administer such fund in 7368
accordance with the directions of the director of job and family 7369
services. All disbursements therefrom shall be paid by the 7370
treasurer of state on warrants drawn by the director. Such 7371

warrants may ~~bear the facsimile~~ have the signature of the director 7372
 printed thereon and that of a deputy or other employee of the 7373
 director charged with the duty of keeping the account of the 7374
 unemployment compensation fund and with the preparation of 7375
 warrants for the payment of benefits to the persons entitled 7376
 thereto. Moneys in the clearing and benefit accounts shall not be 7377
 commingled with other state funds, except as provided in division 7378
 (C) of this section, but shall be maintained in separate accounts 7379
 on the books of the depository bank. Such money shall be secured 7380
 by the depository bank to the same extent and in the same manner 7381
 as required by sections 135.01 to 135.21 of the Revised Code; and 7382
 collateral pledged for this purpose shall be kept separate and 7383
 distinct from any collateral pledged to secure other funds of this 7384
 state. All sums recovered for losses sustained by the unemployment 7385
 compensation fund shall be deposited therein. The treasurer of 7386
 state shall be liable on the treasurer's official bond for the 7387
 faithful performance of the treasurer's duties in connection with 7388
 the unemployment compensation fund, such liability to exist in 7389
 addition to any liability upon any separate bond. 7390

(C) The treasurer of state shall maintain within the 7391
 unemployment compensation fund three separate accounts which shall 7392
 be a clearing account, a trust fund account, and a benefit 7393
 account. All moneys payable to the unemployment compensation fund, 7394
 upon receipt by the director, shall be forwarded to the treasurer 7395
 of state, who shall immediately deposit them in the clearing 7396
 account. Refunds of contributions, or payments in lieu of 7397
 contributions, payable pursuant to division (E) of this section 7398
 may be paid from the clearing account upon warrants signed by a 7399
 deputy or other employee of the director charged with the duty of 7400
 keeping the record of the clearing account and with the 7401
 preparation of warrants for the payment of refunds to persons 7402

entitled thereto. After clearance thereof, all moneys in the 7403
clearing account shall be deposited with the secretary of the 7404
treasury of the United States to the credit of the account of this 7405
state in the unemployment trust fund established and maintained 7406
pursuant to section 904 of the "Social Security Act," in 7407
accordance with requirements of the "Federal Unemployment Tax 7408
Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301, 3304(a)(3), any law 7409
in this state relating to the deposit, administration, release, or 7410
disbursement of moneys in the possession or custody of this state 7411
to the contrary notwithstanding. The benefit account shall consist 7412
of all moneys requisitioned from this state's account in the 7413
unemployment trust fund. Federal funds may be deposited, at the 7414
director's discretion, into the benefit account. Any funds 7415
deposited into the benefit account shall be disbursed solely for 7416
payment of benefits under a federal program administered by this 7417
state and for no other purpose. Moneys in the clearing and benefit 7418
accounts may be deposited by the treasurer of state, under the 7419
direction of the director, in any bank or public depository in 7420
which general funds of the state may be deposited, but no public 7421
deposit insurance charge or premium shall be paid out of the fund. 7422

(D) Moneys shall be requisitioned from this state's account 7423
in the unemployment trust fund solely for the payment of benefits 7424
and in accordance with regulations prescribed by the director. The 7425
director shall requisition from the unemployment trust fund such 7426
amounts, not exceeding the amount standing to this state's account 7427
therein, as are deemed necessary for the payment of benefits for a 7428
reasonable future period. Upon receipt thereof, the treasurer of 7429
state shall deposit such moneys in the benefit account. 7430
Expenditures of such money in the benefit account and refunds from 7431
the clearing account shall not require specific appropriations or 7432
other formal release by state officers of money in their custody. 7433

Any balance of moneys requisitioned from the unemployment trust 7434
fund which remains unclaimed or unpaid in the benefit account 7435
after the expiration of the period for which such sums were 7436
requisitioned shall either be deducted from estimates for and may 7437
be utilized for the payment of benefits during succeeding periods, 7438
or, in the discretion of the director, shall be redeposited with 7439
the secretary of the treasury of the United States to the credit 7440
of this state's account in the unemployment trust fund, as 7441
provided in division (C) of this section. Unclaimed or unpaid 7442
federal funds redeposited with the secretary of the treasury of 7443
the United States shall be credited to the appropriate federal 7444
account. 7445

(E) No claim for an adjustment or a refund on contribution, 7446
payment in lieu of contributions, interest, or forfeiture alleged 7447
to have been erroneously or illegally assessed or collected, or 7448
alleged to have been collected without authority, and no claim for 7449
an adjustment or a refund of any sum alleged to have been 7450
excessive or in any manner wrongfully collected shall be allowed 7451
unless an application, in writing, therefor is made within four 7452
years from the date on which such payment was made. If the 7453
director determines that such contribution, payment in lieu of 7454
contributions, interest, or forfeiture, or any portion thereof, 7455
was erroneously collected, the director shall allow such employer 7456
to make an adjustment thereof without interest in connection with 7457
subsequent contribution payments, or payments in lieu of 7458
contributions, by the employer, or the director may refund said 7459
amount, without interest, from the clearing account of the 7460
unemployment compensation fund, except as provided in division (B) 7461
of section 4141.11 of the Revised Code. For like cause and within 7462
the same period, adjustment or refund may be so made on the 7463
director's own initiative. An overpayment of contribution, payment 7464

in lieu of contributions, interest, or forfeiture for which an
employer has not made application for refund prior to the date of
sale of the employer's business shall accrue to the employer's
successor in interest.

An application for an adjustment or a refund, or any portion
thereof, that is rejected is binding upon the employer unless,
within thirty days after the mailing of a written notice of
rejection to the employer's last known address, or, in the absence
of mailing of such notice, within thirty days after the delivery
of such notice, the employer files an application for a review and
redetermination setting forth the reasons therefor. The director
shall promptly examine the application for review and
redetermination, and if a review is granted, the employer shall be
promptly notified thereof, and shall be granted an opportunity for
a prompt hearing.

(F) If the director finds that contributions have been paid
to the director in error, and that such contributions should have
been paid to a department of another state or of the United States
charged with the administration of an unemployment compensation
law, the director may upon request by such department or upon the
director's own initiative transfer to such department the amount
of such contributions, less any benefits paid to claimants whose
wages were the basis for such contributions. The director may
request and receive from such department any contributions or
adjusted contributions paid in error to such department which
should have been paid to the director.

(G) In accordance with section 303(c)(3) of the Social
Security Act, and section 3304(a)(17) of the Internal Revenue Code
of 1954 for continuing certification of Ohio unemployment
compensation laws for administrative grants and for tax credits,

any interest required to be paid on advances under Title XII of 7495
the Social Security Act shall be paid in a timely manner and shall 7496
not be paid, directly or indirectly, by an equivalent reduction in 7497
the Ohio unemployment taxes or otherwise, by the state from 7498
amounts in the unemployment compensation fund. 7499

(H) The treasurer of state, under the direction of the 7500
director and in accordance with the "Cash Management Improvement 7501
Act of 1990," 104 Stat. 1061, 31 U.S.C.A. 335, 6503, shall deposit 7502
amounts of interest earned by the state on funds in the benefit 7503
account established pursuant to division (C) of this section into 7504
the unemployment trust fund. 7505

(I) The treasurer of state, under the direction of the 7506
director, shall deposit federal funds received by the director for 7507
training and administration and for payment of benefits, job 7508
search, relocation, transportation, and subsistence allowances 7509
pursuant to the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 7510
2101, as amended; the "North American Free Trade Agreement 7511
Implementation Act," 107 Stat. 2057 (1993), 19 U.S.C.A. 3301, as 7512
amended; and the "Trade Act of 2002," 116 Stat. 993, 19 U.S.C.A. 7513
3801, as amended, into the Trade Act training and administration 7514
account, which is hereby created for the purpose of making 7515
payments specified under those acts. The treasurer of state, under 7516
the direction of the director, may transfer funds from the Trade 7517
Act training and administration account to the benefit account for 7518
the purpose of making any payments directly to claimants for 7519
benefits, job search, relocation, transportation, and subsistence 7520
allowances, as specified by those acts. 7521

Sec. 4141.47. (A) There is hereby created the auxiliary 7522
services personnel unemployment compensation fund, which shall not 7523
be a part of the state treasury. The fund shall consist of moneys 7524

paid into the fund pursuant to section 3317.06 of the Revised Code. The treasurer of state shall administer it in accordance with the directions of the director of job and family services. The director shall establish procedures under which school districts that are charged and have paid for unemployment benefits as reimbursing employers pursuant to this chapter for personnel employed pursuant to section 3317.06 of the Revised Code may apply for and receive reimbursement for those payments under this section. School districts are not entitled to reimbursement for any delinquency charges, except as otherwise provided by law. In the case of school districts electing to pay contributions under section 4141.242 of the Revised Code, the director shall establish procedures for reimbursement of the district from the fund of contributions made on wages earned by any auxiliary service personnel.

(B) In the event of the termination of the auxiliary services program established pursuant to section 3317.06 of the Revised Code, and after the director has made reimbursement to school districts for all possible unemployment compensation claims of persons who were employed pursuant to section 3317.06 of the Revised Code, the director shall certify that fact to the treasurer of state, who shall then transfer all unexpended moneys in the auxiliary services personnel unemployment compensation fund to the general revenue fund. In the event the auxiliary services personnel unemployment compensation fund contains insufficient moneys to pay all valid claims by school districts for reimbursement pursuant to this section, the director shall estimate the total additional amount necessary to meet the liabilities of the fund and submit a request to the general assembly for an appropriation of that amount of money from the general revenue fund to the auxiliary services personnel

unemployment compensation fund. 7556

(C) All disbursements from the auxiliary services personnel 7557
unemployment compensation fund shall be paid by the treasurer of 7558
state on warrants drawn by the director. The warrants may ~~bear~~ 7559
have the ~~facsimile~~ signature of the director printed thereon or 7560
that of a deputy or other employee of the director charged with 7561
the duty of keeping the account of the fund. Moneys in the fund 7562
shall be maintained in a separate account on the books of the 7563
depository bank. The money shall be secured by the depository bank 7564
to the same extent and in the same manner as required by Chapter 7565
135. of the Revised Code. All sums recovered for losses sustained 7566
by the fund shall be deposited therein. The treasurer of state is 7567
liable on the treasurer of state's official bond for the faithful 7568
performance of the treasurer of state's duties in connection with 7569
the fund. 7570

(D) All necessary and proper expenses incurred in 7571
administering this section shall be paid to the director from the 7572
auxiliary services personnel unemployment compensation fund. For 7573
this purpose, there is hereby created in the state treasury the 7574
auxiliary services program administrative fund. The treasurer of 7575
state, pursuant to the warrant procedures specified in division 7576
(C) of this section, shall advance moneys as requested by the 7577
director from the auxiliary services personnel unemployment 7578
compensation fund to the auxiliary services program administrative 7579
fund. The director periodically may request the advance of such 7580
moneys as in the treasurer of state's opinion are needed to meet 7581
anticipated administrative expenses and may make disbursements 7582
from the auxiliary services program administrative fund to pay 7583
those expenses. 7584

(E) Upon receipt of a certification from the department of 7585

education regarding a refund to a board of education pursuant to 7586
section 3317.06 of the Revised Code, the director shall issue a 7587
refund in the amount certified to the board from the auxiliary 7588
services personnel unemployment compensation fund. 7589

Sec. 4167.10. (A) In order to carry out the purposes of this 7590
chapter, the administrator of workers' compensation or the 7591
administrator's designee shall, as provided in this section, enter 7592
without delay during normal working hours and at other reasonable 7593
times, to inspect and investigate any plant, facility, 7594
establishment, construction site, or any other area, workplace, or 7595
environment where work is being performed by a public employee of 7596
a public employer, and any place of employment and all pertinent 7597
conditions, structures, machines, apparatus, devices, equipment, 7598
and materials therein, and question privately any public employer, 7599
administrator, department head, operator, agent, or public 7600
employee. The authority to inspect and investigate includes the 7601
taking of environmental samples, the taking and obtaining of 7602
photographs related to the purposes of the inspection or 7603
investigation, the examination of records required to be kept 7604
under section 4167.11 of the Revised Code and other documents and 7605
records relevant to the inspection and investigation, the issuance 7606
of subpoenas, and the conducting of tests and other studies 7607
reasonably calculated to serve the purposes of implementing and 7608
enforcing this chapter. Except as provided in this section, the 7609
administrator or the administrator's designee shall conduct 7610
scheduled inspections and investigations only pursuant to rules 7611
adopted under section 4167.02 of the Revised Code, a request to do 7612
so by a public employee or public employee representative, or the 7613
notification the administrator receives pursuant to division (B) 7614
of section 4167.06 of the Revised Code and only if the 7615

administrator or the administrator's designee complies with this 7616
section. The administrator or the administrator's designee shall 7617
conduct all requested or required inspections within a reasonable 7618
amount of time following receipt of the request or notification. 7619

(B)(1) Any public employee or public employee representative 7620
who believes that a violation of an Ohio employment risk reduction 7621
standard exists that threatens physical harm, or that an imminent 7622
danger exists, may request an inspection by giving written notice 7623
to the administrator or the administrator's designee of the 7624
violation or danger. The notice shall set forth with reasonable 7625
particularity the grounds for the notice, and shall be signed by 7626
the public employee or public employee representative. The names 7627
of individual public employees making the notice or referred to 7628
therein shall not appear in the copy provided to the public 7629
employer pursuant to division (B)(2) of this section and shall be 7630
kept confidential. 7631

(2) If, upon receipt of a notification pursuant to division 7632
(B)(1) of this section, the administrator determines that there 7633
are no reasonable grounds to believe that a violation or danger 7634
exists, the administrator shall inform the public employee or 7635
public employee representative in writing of the determination. 7636
If, upon receipt of a notification, the administrator determines 7637
that there are reasonable grounds to believe that a violation or 7638
danger exists, the administrator shall, within one week, excluding 7639
Saturdays, Sundays, and any legal holiday as defined in section 7640
1.14 of the Revised Code, after receipt of the notification, 7641
notify the public employer, by certified mail, return receipt 7642
requested, of the alleged violation or danger. The notice provided 7643
to the public employer or the public employer's agent shall inform 7644
the public employer of the alleged violation or danger and that 7645

the administrator or the administrator's designee will investigate 7646
and inspect the public employer's workplace as provided in this 7647
section. The public employer must respond to the administrator, in 7648
a method determined by the administrator, concerning the alleged 7649
violation or danger, within thirty days after receipt of the 7650
notice. If the public employer does not correct the violation or 7651
danger within the thirty-day period or if the public employer 7652
fails to respond within that time period, the administrator or the 7653
administrator's designee shall investigate and inspect the public 7654
employer's workplace as provided in this section. The 7655
administrator or the administrator's designee shall not conduct 7656
any inspection prior to the end of the thirty-day period unless 7657
requested or permitted by the public employer. The administrator 7658
may, at any time upon the request of the public employer, inspect 7659
and investigate any violation or danger alleged to exist at the 7660
public employer's place of employment. 7661

(3) The authority of the administrator or the administrator's 7662
designee to investigate and inspect a premises pursuant to a 7663
public employee or public employee representative notification is 7664
not limited to the alleged violation or danger contained in the 7665
notification. The administrator or the administrator's designee 7666
may investigate and inspect any other area of the premises where 7667
there is reason to believe that a violation or danger exists. In 7668
addition, if the administrator or the administrator's designee 7669
detects any obvious or apparent violation at any temporary place 7670
of employment while en route to the premises to be inspected or 7671
investigated, and that violation presents a substantial 7672
probability that the condition or practice could result in death 7673
or serious physical harm, the administrator or the administrator's 7674
designee may use any of the enforcement mechanisms provided in 7675
this section to correct or remove the condition or practice. 7676

(4) If, during an inspection or investigation, the administrator or the administrator's designee finds any condition or practice in any place of employment that presents a substantial probability that the condition or practice could result in death or serious physical harm, after notifying the employer of the administrator's intent to issue an order, the administrator shall issue an order, or the administrator's designee shall issue an order after consultation ~~either by telephone or in person~~ with the administrator and upon the recommendation of the administrator, which prohibits the employment of any public employee or any continuing operation or process under such condition or practice until necessary steps are taken to correct or remove the condition or practice. The order shall not be effective for more than fifteen days, unless a court of competent jurisdiction otherwise orders as provided in section 4167.14 of the Revised Code.

(C) In making any inspections or investigations under this chapter, the administrator or the administrator's designee may administer oaths and require, by subpoena, the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall receive the fees and mileage provided for under section 119.094 of the Revised Code. In the case of contumacy, failure, or refusal of any person to comply with an order or any subpoena lawfully issued, or upon the refusal of any witness to testify to any matter regarding which the witness may lawfully be interrogated, a judge of the court of common pleas of any county in this state, on the application of the administrator or the administrator's designee, shall issue an order requiring the person to appear and to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question. The court may punish any failure to obey the order of the court as a contempt thereof.

(D) If, upon inspection or investigation, the administrator 7708
or the administrator's designee believes that a public employer 7709
has violated any requirement of this chapter or any rule, Ohio 7710
employment risk reduction standard, or order adopted or issued 7711
pursuant thereto, the administrator or the administrator's 7712
designee shall, with reasonable promptness, issue a citation to 7713
the public employer. The citation shall be in writing and describe 7714
with particularity the nature of the alleged violation, including 7715
a reference to the provision of law, Ohio employment risk 7716
reduction standard, rule, or order alleged to have been violated. 7717
In addition, the citation shall fix a time for the abatement of 7718
the violation, as provided in division (H) of this section. The 7719
administrator may prescribe procedures for the issuance of a 7720
notice with respect to minor violations and for enforcement of 7721
minor violations that have no direct or immediate relationship to 7722
safety or health. 7723

(E) Upon receipt of any citation under this section, the 7724
public employer shall immediately post the citation, or a copy 7725
thereof, at or near each place an alleged violation referred to in 7726
the citation occurred. 7727

(F) The administrator may not issue a citation under this 7728
section after the expiration of six months following the final 7729
occurrence of any violation. 7730

(G) If the administrator issues a citation pursuant to this 7731
section, the administrator shall mail the citation to the public 7732
employer by certified mail, return receipt requested. The public 7733
employer has fourteen days after receipt of the citation within 7734
which to notify the administrator that the employer wishes to 7735
contest the citation. If the employer notifies the administrator 7736
within the fourteen days that the employer wishes to contest the 7737

citation, or if within fourteen days after the issuance of a 7738
citation a public employee or public employee representative files 7739
notice that the time period fixed in the citation for the 7740
abatement of the violation is unreasonable, the administrator 7741
shall hold an adjudication hearing in accordance with Chapter 119. 7742
of the Revised Code. 7743

(H) In establishing the time limits in which a public 7744
employer must abate a violation under this section, the 7745
administrator shall consider the costs to the public employer, the 7746
size and financial resources of the public employer, the severity 7747
of the violation, the technological feasibility of the public 7748
employer's ability to comply with requirements of the citation, 7749
the possible present and future detriment to the health and safety 7750
of any public employee for failure of the public employer to 7751
comply with requirements of the citation, and such other factors 7752
as the administrator determines appropriate. The administrator 7753
may, after considering the above factors, permit the public 7754
employer to comply with the citation over a period of up to two 7755
years and may extend that period an additional one year, as the 7756
administrator determines appropriate. 7757

(I) Any public employer may request the administrator to 7758
conduct an employment risk reduction inspection of the public 7759
employer's place of employment. The administrator or the 7760
administrator's designee shall conduct the inspection within a 7761
reasonable amount of time following the request. Neither the 7762
administrator nor any other person may use any information 7763
obtained from the inspection for a period not to exceed three 7764
years in any proceeding for a violation of this chapter or any 7765
rule or order issued thereunder nor in any other action in any 7766
court in this state. 7767

Sec. 4301.17. (A)(1) Subject to local option as provided in 7768
sections 4301.32 to 4301.40 of the Revised Code, five state liquor 7769
stores or agencies may be established in each county. One 7770
additional store may be established in any county for each twenty 7771
thousand of population of that county or major fraction thereof in 7772
excess of the first forty thousand, according to the last 7773
preceding federal decennial census or according to the population 7774
estimates certified by the department of development between 7775
decennial censuses. A person engaged in a mercantile business may 7776
act as the agent for the division of liquor control for the sale 7777
of spirituous liquor in a municipal corporation, in the 7778
unincorporated area of a township, or in an area designated and 7779
approved as a resort area under section 4303.262 of the Revised 7780
Code. The division shall fix the compensation for such an agent in 7781
the manner it considers best, but the compensation shall not 7782
exceed seven per cent of the gross sales made by the agent in any 7783
one year. 7784

(2) The division shall adopt rules in accordance with Chapter 7785
119. of the Revised Code governing the allocation and equitable 7786
distribution of agency store contracts. The division shall comply 7787
with the rules when awarding a contract under division (A)(1) of 7788
this section. 7789

(3) Pursuant to an agency store's contract, an agency store 7790
may be issued a D-1 permit to sell beer, a D-2 permit to sell wine 7791
and mixed beverages, and a D-5 permit to sell beer, wine, mixed 7792
beverages, and spirituous liquor. 7793

(4) Pursuant to an agency store's contract, an agency store 7794
may be issued a D-3 permit to sell spirituous liquor if the agency 7795
store contains at least ten thousand square feet of sales floor 7796
area. A D-3 permit issued to an agency store shall not be 7797

transferred to a new location. The division shall revoke any D-3 7798
 permit issued to an agency store under division (A)(4) of this 7799
 section if the agent no longer operates the agency store. The 7800
 division shall not issue a D-3a permit to an agency store. 7801

(5) An agency store to which a D-8 permit has been issued may 7802
 allow the sale of tasting samples of spirituous liquor in 7803
 accordance with section 4301.171 of the Revised Code. 7804

(6) An agency store may sell beer, wine, mixed beverages, and 7805
 spirituous liquor only between the hours of nine a.m. and eleven 7806
 p.m. 7807

(B) When an agency contract is proposed, when an existing 7808
 agency contract is assigned, when an existing agency proposes to 7809
 relocate, or when an existing agency is relocated and assigned, 7810
 before entering into any contract, consenting to any assignment, 7811
 or consenting to any relocation, the division shall notify the 7812
 legislative authority of the municipal corporation in which the 7813
 agency store is to be located, or the board of county 7814
 commissioners and the board of township trustees of the county and 7815
 the township in which the agency store is to be located if the 7816
 agency store is to be located outside the corporate limits of a 7817
 municipal corporation, of the proposed contract, assignment, or 7818
 relocation, and an opportunity shall be provided officials or 7819
 employees of the municipal corporation or county and township for 7820
 a complete hearing upon the advisability of entering into the 7821
 contract or consenting to the assignment or relocation. When the 7822
 division sends notice to the legislative authority of the 7823
 political subdivision, the division shall notify, ~~by certified~~ 7824
~~mail or by personal service,~~ the chief peace officer of the 7825
 political subdivision, who may appear and testify, either in 7826
 person or through a representative, at any hearing held on the 7827

advisability of entering into the contract or consenting to the 7828
assignment or relocation. 7829

If the proposed agency store, the assignment of an agency 7830
contract, or the relocation of an agency store would be located 7831
within five hundred feet of a school, church, library, public 7832
playground, or township park, the division shall not enter into an 7833
agency contract until it has provided notice of the proposed 7834
contract to the authorities in control of the school, church, 7835
library, public playground, or township park and has provided 7836
those authorities with an opportunity for a complete hearing upon 7837
the advisability of entering into the contract. If an agency store 7838
so located is operating under an agency contract, the division may 7839
consent to relocation of the agency store or to the assignment of 7840
that contract to operate an agency store at the same location. The 7841
division may also consent to the assignment of an existing agency 7842
contract simultaneously with the relocation of the agency store. 7843
In any such assignment or relocation, the assignee and the 7844
location shall be subject to the same requirements that the 7845
existing location met at the time that the contract was first 7846
entered into as well as any additional requirements imposed by the 7847
division in rules adopted by the superintendent of liquor control. 7848
The division shall not consent to an assignment or relocation of 7849
an agency store until it has notified the authorities in control 7850
of the school, church, library, public playground, or township 7851
park and has provided those authorities with an opportunity for a 7852
complete hearing upon the advisability of consenting to the 7853
assignment or relocation. 7854

Any hearing provided for in this division shall be held in 7855
the central office of the division, except that upon written 7856
request of the legislative authority of the municipal corporation, 7857
the board of county commissioners, the board of township trustees, 7858

or the authorities in control of the school, church, library, 7859
public playground, or township park, the hearing shall be held in 7860
the county seat of the county where the proposed agency store is 7861
to be located. 7862

(C) All agency contracts entered into by the division 7863
pursuant to this section shall be in writing and shall contain a 7864
clause providing for the termination of the contract at will by 7865
the division upon its giving ninety days' notice in writing to the 7866
agent of its intention to do so. Any agency contract may include a 7867
clause requiring the agent to report to the appropriate law 7868
enforcement agency the name and address of any individual under 7869
twenty-one years of age who attempts to make an illegal purchase. 7870

The division shall issue a C-1 and C-2 permit to each agent 7871
who prior to November 1, 1994, had not been issued both of these 7872
permits, notwithstanding the population quota restrictions 7873
contained in section 4303.29 of the Revised Code or in any rule of 7874
the liquor control commission and notwithstanding the requirements 7875
of section 4303.31 of the Revised Code. The location of a C-1 or 7876
C-2 permit issued to such an agent shall not be transferred. The 7877
division shall revoke any C-1 or C-2 permit issued to an agent 7878
under this paragraph if the agent no longer operates an agency 7879
store. 7880

The division may enter into agreements with the department of 7881
development to implement a minority loan program to provide 7882
low-interest loans to minority business enterprises, as defined in 7883
section 122.71 of the Revised Code, that are awarded liquor agency 7884
contracts or assignments. 7885

(D) If the division closes a state liquor store and replaces 7886
that store with an agency store, any employees of the division 7887
employed at that state liquor store who lose their jobs at that 7888

store as a result shall be given preference by the agent who 7889
operates the agency store in filling any vacancies that occur 7890
among the agent's employees, if that preference does not conflict 7891
with the agent's obligations pursuant to a collective bargaining 7892
agreement. 7893

If the division closes a state liquor store and replaces the 7894
store with an agency store, any employees of the division employed 7895
at the state liquor store who lose their jobs at that store as a 7896
result may displace other employees as provided in sections 7897
124.321 to 124.328 of the Revised Code. If an employee cannot 7898
displace other employees and is laid off, the employee shall be 7899
reinstated in another job as provided in sections 124.321 to 7900
124.328 of the Revised Code, except that the employee's rights of 7901
reinstatement in a job at a state liquor store shall continue for 7902
a period of two years after the date of the employee's layoff and 7903
shall apply to jobs at state liquor stores located in the 7904
employee's layoff jurisdiction and any layoff jurisdiction 7905
adjacent to the employee's layoff jurisdiction. 7906

(E) The division shall require every agent to give bond with 7907
surety to the satisfaction of the division, in the amount the 7908
division fixes, conditioned for the faithful performance of the 7909
agent's duties as prescribed by the division. 7910

Sec. 4301.30. (A) All fees collected by the division of 7911
liquor control shall be deposited in the state treasury to the 7912
credit of the undivided liquor permit fund, which is hereby 7913
created, at the time prescribed under section 4301.12 of the 7914
Revised Code. Each payment shall be accompanied by a statement 7915
showing separately the amount collected for each class of permits 7916
in each municipal corporation and in each township outside the 7917
limits of any municipal corporation in such township. 7918

(B)(1) An amount equal to forty-five per cent of the fund 7919
shall be paid from the fund into the state liquor regulatory fund, 7920
which is hereby created in the state treasury. The state liquor 7921
regulatory fund shall be used to pay the operating expenses of the 7922
division of liquor control in administering and enforcing Title 7923
XLIII of the Revised Code and the operating expenses of the liquor 7924
control commission. Investment earnings of the fund shall be 7925
credited to the fund. 7926

(2) Whenever, in the judgment of the director of budget and 7927
management, the amount of money that is in the state liquor 7928
regulatory fund is in excess of the amount that is needed to pay 7929
the operating expenses of the division in administering and 7930
enforcing Title XLIII of the Revised Code and the operating 7931
expenses of the commission, the director shall credit the excess 7932
amount to the general revenue fund. 7933

(C) Twenty per cent of the undivided liquor permit fund shall 7934
be paid into the statewide treatment and prevention fund, which is 7935
hereby created in the state treasury. This amount shall be 7936
appropriated by the general assembly, together with an amount 7937
equal to one and one-half per cent of the gross profit of the 7938
division of liquor control derived under division (B)(4) of 7939
section 4301.10 of the Revised Code, to the department of mental 7940
health and addiction services. In planning for the allocation of 7941
and in allocating these amounts for the purposes of Chapter 5119. 7942
of the Revised Code, the department shall comply with the 7943
nondiscrimination provisions of Title VI of the Civil Rights Act 7944
of 1964, and any rules adopted under that act. 7945

(D) Thirty-five per cent of the undivided liquor permit fund 7946
shall be distributed by the superintendent of liquor control at 7947
quarterly calendar periods as follows: 7948

(1) To each municipal corporation, the aggregate amount shown 7949
 by the statements to have been collected from permits in the 7950
 municipal corporation, for the use of the general fund of the 7951
 municipal corporation; 7952

(2) To each township, the aggregate amount shown by the 7953
 statements to have been collected from permits in its territory, 7954
 outside the limits of any municipal corporation located in the 7955
 township, for the use of the general fund of the township, or for 7956
 fire protection purposes, including buildings and equipment in the 7957
 township or in an established fire district within the township, 7958
 to the extent that the funds are derived from liquor permits 7959
 within the territory comprising such fire district. 7960

(E) For the purpose of the distribution required by this 7961
 section, E, H, and D permits covering boats or vessels are deemed 7962
 to have been issued in the municipal corporation or township 7963
 wherein the owner or operator of the vehicle, boat, vessel, or 7964
 dining car equipment to which the permit relates has the owner's 7965
 or operator's principal office or place of business within the 7966
 state. 7967

(F) If the ~~liquor control commission~~ division determines that 7968
 the police or other officers of any municipal corporation or 7969
 township entitled to share in distributions under this section are 7970
 refusing or culpably neglecting to enforce this chapter and 7971
 Chapter 4303. of the Revised Code, or the penal laws of this state 7972
 relating to the manufacture, importation, transportation, 7973
 distribution, and sale of beer and intoxicating liquors, or if the 7974
 prosecuting officer of a municipal corporation or a municipal 7975
 court fails to comply with the request of the ~~commission~~ division 7976
 authorized by division (A)(4) of section 4301.10 of the Revised 7977
 Code, the ~~commission~~ division, by certified mail or by electronic 7978

means as determined by the superintendent to provide proper notice 7979
under the laws of this state, may notify the chief executive 7980
officer of the municipal corporation or the board of township 7981
trustees of the township of the failure and require the immediate 7982
cooperation of the responsible officers of the municipal 7983
corporation or township with the ~~division of liquor control~~ in the 7984
enforcement of those chapters and penal laws. Within thirty days 7985
after the notice is served, the ~~commission~~ division shall 7986
determine whether the requirement has been complied with. If the 7987
~~commission~~ division determines that the requirement has not been 7988
complied with, it may ~~issue an order to the superintendent to~~ 7989
withhold the distributive share of the municipal corporation or 7990
township ~~until further order of the commission~~. This action of the 7991
~~commission~~ division is reviewable within thirty days thereafter in 7992
the court of common pleas of Franklin county. 7993

(G) All fees collected by the division of liquor control from 7994
the issuance or renewal of B-2a, S-1, and S-2 permits, and paid by 7995
B-2a, S-1, and S-2 permit holders who do not also hold A-1 or A-1c 7996
permits or A-2 or A-2f permits, shall be deposited in the state 7997
treasury to the credit of the state liquor regulatory fund. Once 7998
during each fiscal year, an amount equal to fifty per cent of the 7999
fees collected shall be paid from the state liquor regulatory fund 8000
into the general revenue fund. 8001

Sec. 4303.24. All application processing fees shall be 8002
remitted to the division of liquor control when applications are 8003
filed. The pendency, priority, or validity of an application for a 8004
permit or duplicate permit received by the division shall not be 8005
affected because the division did not issue the permit applied for 8006
or the applicant failed to appeal to the liquor control 8007
commission. 8008

The division, prior to the granting of a permit or duplicate permit applied for, shall notify, by certified mail, the applicant or the applicant's authorized agent. The applicant or the applicant's authorized agent, within thirty days after the mailing of that notice, shall pay to the division the entire amount of ~~the~~ any unpaid requisite permit fee required by sections 4303.02 to 4303.231 or, in the case of a duplicate permit, section 4303.30 of the Revised Code, if the permit or duplicate permit is issued during the first six months of the year the permit or duplicate permit covers, or one-half of the amount of the requisite permit fee, if the permit or duplicate permit is issued during the last six months of the year the permit or duplicate permit covers. If the notice is returned because of failure or refusal of delivery, the division shall send another notice, by regular mail or by electronic means as determined by the division to provide proper notice under the laws of this state, to the applicant or the applicant's agent. If the applicant fails to pay the applicable amount of that requisite permit fee within ~~these~~ thirty days of the mailing of the last notice, the division shall cancel the applicant's application.

All other fees shall be paid at the time and in the manner prescribed by the division. The liquor control commission may adopt rules requiring reports or returns for the purpose of determining the amounts of additional permit fees.

Sec. 4507.081. (A) Upon the expiration of a restricted license issued under division (D)(3) of section 4507.08 of the Revised Code and submission of a statement as provided in division (C) of this section, the registrar of motor vehicles may issue a driver's license to the person to whom the restricted license was issued. A driver's license issued under this section, unless

otherwise suspended or canceled, shall be effective for one year. 8039

(B) A driver's license issued under this section may be 8040
renewed annually, for no more than three consecutive years, 8041
whenever the person to whom the license has been issued submits to 8042
the registrar, ~~by certified mail and~~ no sooner than thirty days 8043
prior to the expiration date of the license or renewal thereof, a 8044
statement as provided in division (C) of this section. A renewal 8045
of a driver's license, unless the license is otherwise suspended 8046
or canceled, shall be effective for one year following the 8047
expiration date of the license or renewal thereof, ~~and shall be~~ 8048
~~evidenced by a validation sticker. The renewal validation sticker~~ 8049
~~shall be in a form prescribed by the registrar and shall be~~ 8050
~~affixed to the license.~~ 8051

(C) No person may be issued a driver's license under this 8052
section, and no such driver's license may be renewed, unless the 8053
person presents a signed statement from a licensed physician that 8054
the person's condition either is dormant or is under effective 8055
medical control, that the control has been maintained continuously 8056
for at least one year prior to the date on which application for 8057
the license is made, and that, if continued medication is 8058
prescribed to control the condition, the person may be depended 8059
upon to take the medication. 8060

The statement shall be made on a form provided by the 8061
registrar, ~~shall be in not less than duplicate,~~ and shall contain 8062
any other information the registrar considers necessary. ~~The~~ 8063
~~duplicate copy of the statement may be retained by the person~~ 8064
~~requesting the license renewal and, when in the person's immediate~~ 8065
~~possession and used in conjunction with the original license,~~ 8066
~~shall entitle the person to operate a motor vehicle during a~~ 8067
~~period of no more than thirty days following the date of~~ 8068

~~submission of the statement to the registrar, except when the~~ 8069
~~registrar denies the request for the license renewal and so~~ 8070
~~notifies the person.~~ 8071

(D) Whenever the registrar receives a statement indicating 8072
that the condition of a person to whom a driver's license has been 8073
issued under this section no longer is dormant or under effective 8074
medical control, the registrar shall cancel the person's driver's 8075
license. 8076

(E) Nothing in this section shall require a person submitting 8077
a signed statement from a licensed physician to obtain a medical 8078
examination prior to the submission of the statement. 8079

(F) Any person whose driver's license has been canceled under 8080
this section may apply for a subsequent restricted license 8081
according to the provisions of section 4507.08 of the Revised 8082
Code. 8083

Sec. 4508.021. (A) As used in this section: 8084

(1) "State agency" has the same meaning as in section 1.60 of 8085
the Revised Code. 8086

(2) "Electronic medium" means a ~~video cassette tape, CD-ROM,~~ 8087
~~interactive videodisc web site, electronic mail communication,~~ 8088
~~compact disc media,~~ or other electronic format ~~used to convey~~ 8089
~~information to students~~ through electronic means which information 8090
is sent or conveyed. 8091

(B) The classroom instruction required by division (C) of 8092
section 4508.02 of the Revised Code shall include the 8093
dissemination of information regarding anatomical gifts and 8094
anatomical gift procedures or a presentation and discussion of 8095
such gifts and procedures in accordance with this section. The 8096
second chance trust fund advisory committee created under section 8097

2108.35 of the Revised Code shall approve any brochure, written material, or electronic medium used by a driver training school to provide information to students regarding anatomical gifts and anatomical gift procedures. However, the committee shall not approve any such brochure, written material, or electronic medium that contains religious content for use in a driver education course conducted by a school district or educational service center.

(C)(1) If any brochure or other written material approved by the committee under division (B) of this section is made available to a driver training school at no cost, the instructor shall provide such brochure or material to students.

(2) If any electronic medium that is less than twenty minutes in length and that is approved by the committee under division (B) of this section is made available to a driver training school at no cost, the instructor shall show the electronic medium to students, provided that the school maintains operable viewing equipment. If more than one such electronic medium is made available to a school in accordance with this division, the instructor shall select one electronic medium from among those received by the school to show to students.

(3) If no electronic medium is shown to students as specified in division (C)(2) of this section, the instructor shall organize a classroom presentation and discussion regarding anatomical gifts and anatomical gift procedures. The instructor may arrange for the presentation to be conducted by an employee of the department of health or any other state agency, an employee or volunteer of the second chance trust fund, an employee or volunteer of any organization involved in the procurement of organ donations, an organ donor, an organ recipient, an employee or volunteer of a

tissue or eye bank, or a tissue or corneal transplant recipient, 8128
provided that no such person charges a fee to the school for the 8129
presentation. However, no such presentation that contains 8130
religious content shall be made to students of a driver education 8131
course conducted by a school district or educational service 8132
center. Students shall be granted the opportunity to ask questions 8133
on anatomical gifts and anatomical gift procedures during the 8134
presentation and discussion. 8135

Nothing in this section shall prohibit an instructor from 8136
also organizing a classroom presentation and discussion regarding 8137
anatomical gifts and anatomical gift procedures in accordance with 8138
this division if the instructor shows an electronic medium to 8139
students pursuant to division (C)(2) of this section. 8140

(D) No student shall be required to participate in any 8141
instruction in anatomical gifts or anatomical gift procedures 8142
conducted under this section upon written notification from the 8143
student's parent or guardian, or the student if the student is 8144
over eighteen years of age, that such instruction conflicts with 8145
the religious convictions of the student or the student's parent 8146
or guardian. If a student is excused from such instruction, the 8147
instructor shall give the student an alternative assignment. 8148

Sec. 4509.101. (A)(1) No person shall operate, or permit the 8149
operation of, a motor vehicle in this state, unless proof of 8150
financial responsibility is maintained continuously throughout the 8151
registration period with respect to that vehicle, or, in the case 8152
of a driver who is not the owner, with respect to that driver's 8153
operation of that vehicle. 8154

(2) Whoever violates division (A)(1) of this section shall be 8155
subject to the following civil penalties: 8156

(a) Subject to divisions (A)(2)(b) and (c) of this section, a class (F) suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(6) of section 4510.02 of the Revised Code and impoundment of the person's license. The court may grant limited driving privileges to the person, but only if the person presents proof of financial responsibility and is enrolled in a reinstatement fee payment plan pursuant to section 4510.10 of the Revised Code.

(b) If, within five years of the violation, the person's operating privileges are again suspended and the person's license again is impounded for a violation of division (A)(1) of this section, a class C suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code. The court may grant limited driving privileges to the person only if the person presents proof of financial responsibility and has complied with division (A)(5) of this section, and no court may grant limited driving privileges for the first fifteen days of the suspension.

(c) If, within five years of the violation, the person's operating privileges are suspended and the person's license is impounded two or more times for a violation of division (A)(1) of this section, a class B suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(2) of section 4510.02 of the Revised Code. The court may grant limited driving privileges to the person only if the person presents proof of

financial responsibility and has complied with division (A)(5) of 8188
this section, except that no court may grant limited driving 8189
privileges for the first thirty days of the suspension. 8190

(d) In addition to the suspension of an owner's license under 8191
division (A)(2)(a), (b), or (c) of this section, the suspension of 8192
the rights of the owner to register the motor vehicle and the 8193
impoundment of the owner's certificate of registration and license 8194
plates until the owner complies with division (A)(5) of this 8195
section. 8196

The clerk of court shall waive the cost of filing a petition 8197
for limited driving privileges if, pursuant to section 2323.311 of 8198
the Revised Code, the petitioner applies to be qualified as an 8199
indigent litigant and the court approves the application. 8200

(3) A person to whom this state has issued a certificate of 8201
registration for a motor vehicle or a license to operate a motor 8202
vehicle or who is determined to have operated any motor vehicle or 8203
permitted the operation in this state of a motor vehicle owned by 8204
the person shall be required to verify the existence of proof of 8205
financial responsibility covering the operation of the motor 8206
vehicle or the person's operation of the motor vehicle under 8207
either of the following circumstances: 8208

(a) The person or a motor vehicle owned by the person is 8209
involved in a traffic accident that requires the filing of an 8210
accident report under section 4509.06 of the Revised Code. 8211

(b) The person receives a traffic ticket indicating that 8212
proof of the maintenance of financial responsibility was not 8213
produced upon the request of a peace officer or state highway 8214
patrol trooper made in accordance with division (D)(2) of this 8215
section. 8216

(4) An order of the registrar that suspends and impounds a license or registration, or both, shall state the date on or before which the person is required to surrender the person's license or certificate of registration and license plates. The person is deemed to have surrendered the license or certificate of registration and license plates, in compliance with the order, if the person does either of the following:

(a) On or before the date specified in the order, ~~personally~~ delivers the license or certificate of registration and license plates, ~~or causes the delivery of the items,~~ to the registrar;

(b) Mails the license or certificate of registration and license plates to the registrar in an envelope or container bearing a postmark showing a date no later than the date specified in the order.

(5) Except as provided in division (L) of this section, the registrar shall not restore any operating privileges or registration rights suspended under this section, return any license, certificate of registration, or license plates impounded under this section, or reissue license plates under section 4503.232 of the Revised Code, if the registrar destroyed the impounded license plates under that section, or reissue a license under section 4510.52 of the Revised Code, if the registrar destroyed the suspended license under that section, unless the rights are not subject to suspension or revocation under any other law and unless the person, in addition to complying with all other conditions required by law for reinstatement of the operating privileges or registration rights, complies with all of the following:

(a) Pays to the registrar or an eligible deputy registrar a financial responsibility reinstatement fee of one hundred dollars

for the first violation of division (A)(1) of this section, three 8247
 hundred dollars for a second violation of that division, and six 8248
 hundred dollars for a third or subsequent violation of that 8249
 division; 8250

(b) If the person has not voluntarily surrendered the 8251
 license, certificate, or license plates in compliance with the 8252
 order, pays to the registrar or an eligible deputy registrar a 8253
 financial responsibility nonvoluntary compliance fee in an amount, 8254
 not to exceed fifty dollars, determined by the registrar; 8255

(c) Files and continuously maintains proof of financial 8256
 responsibility under sections 4509.44 to 4509.65 of the Revised 8257
 Code; 8258

(d) Pays a deputy registrar a service fee of ten dollars to 8259
 compensate the deputy registrar for services performed under this 8260
 section. The deputy registrar shall retain eight dollars of the 8261
 service fee and shall transmit the reinstatement fee, any 8262
 nonvoluntary compliance fee, and two dollars of the service fee to 8263
 the registrar in the manner the registrar shall determine. 8264

(B)(1) Every party required to file an accident report under 8265
 section 4509.06 of the Revised Code also shall include with the 8266
 report a document described in division (G)(1)(a) of this section 8267
 or shall present proof of financial responsibility through use of 8268
 an electronic wireless communications device as permitted by 8269
 division (G)(1)(b) of this section. 8270

If the registrar determines, within forty-five days after the 8271
 report is filed, that an operator or owner has violated division 8272
 (A)(1) of this section, the registrar shall do all of the 8273
 following: 8274

(a) Order the impoundment, with respect to the motor vehicle 8275

involved, required under division (A)(2)(d) of this section, of
the certificate of registration and license plates of any owner
who has violated division (A)(1) of this section;

(b) Order the suspension required under division (A)(2)(a),
(b), or (c) of this section of the license of any operator or
owner who has violated division (A)(1) of this section;

(c) Record the name and address of the person whose
certificate of registration and license plates have been impounded
or are under an order of impoundment, or whose license has been
suspended or is under an order of suspension; the serial number of
the person's license; the serial numbers of the person's
certificate of registration and license plates; and the person's
social security account number, if assigned, or, where the motor
vehicle is used for hire or principally in connection with any
established business, the person's federal taxpayer identification
number. The information shall be recorded in such a manner that it
becomes a part of the person's permanent record, and assists the
registrar in monitoring compliance with the orders of suspension
or impoundment.

(d) Send written notification to every person to whom the
order pertains, at the person's last known address as shown on the
records of the bureau. The person, within ten days after the date
of the mailing of the notification, shall surrender to the
registrar, in a manner set forth in division (A)(4) of this
section, any certificate of registration and registration plates
under an order of impoundment, or any license under an order of
suspension.

(2) The registrar shall issue any order under division (B)(1)
of this section without a hearing. Any person adversely affected
by the order, within ten days after the issuance of the order, may

request an administrative hearing before the registrar, who shall
provide the person with an opportunity for a hearing in accordance
with this paragraph. A request for a hearing does not operate as a
suspension of the order. The scope of the hearing shall be limited
to whether the person in fact demonstrated to the registrar proof
of financial responsibility in accordance with this section. The
registrar shall determine the date, time, and place of any
hearing, provided that the hearing shall be held, and an order
issued or findings made, within thirty days after the registrar
receives a request for a hearing. If requested by the person in
writing, the registrar may designate as the place of hearing the
county seat of the county in which the person resides or a place
within fifty miles of the person's residence. The person shall pay
the cost of the hearing before the registrar, if the registrar's
order of suspension or impoundment is upheld.

(C) Any order of suspension or impoundment issued under this
section or division (B) of section 4509.37 of the Revised Code may
be terminated at any time if the registrar determines upon a
showing of proof of financial responsibility that the operator or
owner of the motor vehicle was in compliance with division (A)(1)
of this section at the time of the traffic offense, motor vehicle
inspection, or accident that resulted in the order against the
person. A determination may be made without a hearing. This
division does not apply unless the person shows good cause for the
person's failure to present satisfactory proof of financial
responsibility to the registrar prior to the issuance of the
order.

(D)(1)(a) For the purpose of enforcing this section, every
peace officer is deemed an agent of the registrar.

(b) Any peace officer who, in the performance of the peace

officer's duties as authorized by law, becomes aware of a person
whose license is under an order of suspension, or whose
certificate of registration and license plates are under an order
of impoundment, pursuant to this section, may confiscate the
license, certificate of registration, and license plates, and
return them to the registrar.

(2) A peace officer shall request the owner or operator of a
motor vehicle to produce proof of financial responsibility in a
manner described in division (G) of this section at the time the
peace officer acts to enforce the traffic laws of this state and
during motor vehicle inspections conducted pursuant to section
4513.02 of the Revised Code.

(3) A peace officer shall indicate on every traffic ticket
whether the person receiving the traffic ticket produced proof of
the maintenance of financial responsibility in response to the
officer's request under division (D)(2) of this section. The peace
officer shall inform every person who receives a traffic ticket
and who has failed to produce proof of the maintenance of
financial responsibility that the person must submit proof to the
traffic violations bureau with any payment of a fine and costs for
the ticketed violation or, if the person is to appear in court for
the violation, the person must submit proof to the court.

(4)(a) If a person who has failed to produce proof of the
maintenance of financial responsibility appears in court for a
ticketed violation, the court may permit the defendant to present
evidence of proof of financial responsibility to the court at such
time and in such manner as the court determines to be necessary or
appropriate. In a manner prescribed by the registrar, the clerk of
courts shall provide the registrar with the identity of any person
who fails to submit proof of the maintenance of financial

responsibility pursuant to division (D)(3) of this section. 8366

(b) If a person who has failed to produce proof of the 8367
maintenance of financial responsibility also fails to submit that 8368
proof to the traffic violations bureau with payment of a fine and 8369
costs for the ticketed violation, the traffic violations bureau, 8370
in a manner prescribed by the registrar, shall notify the 8371
registrar of the identity of that person. 8372

(5)(a) Upon receiving notice from a clerk of courts or 8373
traffic violations bureau pursuant to division (D)(4) of this 8374
section, the registrar shall order the suspension of the license 8375
of the person required under division (A)(2)(a), (b), or (c) of 8376
this section and the impoundment of the person's certificate of 8377
registration and license plates required under division (A)(2)(d) 8378
of this section, effective thirty days after the date of the 8379
mailing of notification. The registrar also shall notify the 8380
person that the person must present the registrar with proof of 8381
financial responsibility in accordance with this section, 8382
surrender to the registrar the person's certificate of 8383
registration, license plates, and license, or submit a statement 8384
subject to section 2921.13 of the Revised Code that the person did 8385
not operate or permit the operation of the motor vehicle at the 8386
time of the offense. Notification shall be in writing and shall be 8387
sent to the person at the person's last known address as shown on 8388
the records of the bureau of motor vehicles. The person, within 8389
fifteen days after the date of the mailing of notification, shall 8390
present proof of financial responsibility, surrender the 8391
certificate of registration, license plates, and license to the 8392
registrar in a manner set forth in division (A)(4) of this 8393
section, or submit the statement required under this section 8394
together with other information the person considers appropriate. 8395

If the registrar does not receive proof or the person does not surrender the certificate of registration, license plates, and license, in accordance with this division, the registrar shall permit the order for the suspension of the license of the person and the impoundment of the person's certificate of registration and license plates to take effect.

(b) In the case of a person who presents, within the fifteen-day period, proof of financial responsibility, the registrar shall terminate the order of suspension and the impoundment of the registration and license plates required under division (A)(2)(d) of this section and shall send written notification to the person, at the person's last known address as shown on the records of the bureau.

(c) Any person adversely affected by the order of the registrar under division (D)(5)(a) or (b) of this section, within ten days after the issuance of the order, may request an administrative hearing before the registrar, who shall provide the person with an opportunity for a hearing in accordance with this paragraph. A request for a hearing does not operate as a suspension of the order. The scope of the hearing shall be limited to whether, at the time of the hearing, the person presents proof of financial responsibility covering the vehicle and whether the person is eligible for an exemption in accordance with this section or any rule adopted under it. The registrar shall determine the date, time, and place of any hearing; provided, that the hearing shall be held, and an order issued or findings made, within thirty days after the registrar receives a request for a hearing. If requested by the person, the hearing may be held remotely by electronic means. If requested by the person in writing, the registrar may designate as the place of hearing the county seat of the county in which the person resides or a place

within fifty miles of the person's residence. Such person shall 8427
pay the cost of the hearing before the registrar, if the 8428
registrar's order of suspension or impoundment under division 8429
(D)(5)(a) or (b) of this section is upheld. 8430

(6) A peace officer may charge an owner or operator of a 8431
motor vehicle with a violation of section 4510.16 of the Revised 8432
Code when the owner or operator fails to show proof of the 8433
maintenance of financial responsibility pursuant to a peace 8434
officer's request under division (D)(2) of this section, if a 8435
check of the owner or operator's driving record indicates that the 8436
owner or operator, at the time of the operation of the motor 8437
vehicle, is required to file and maintain proof of financial 8438
responsibility under section 4509.45 of the Revised Code for a 8439
previous violation of this chapter. 8440

(7) Any forms used by law enforcement agencies in 8441
administering this section shall be prescribed, supplied, and paid 8442
for by the registrar. 8443

(8) No peace officer, law enforcement agency employing a 8444
peace officer, or political subdivision or governmental agency 8445
that employs a peace officer shall be liable in a civil action for 8446
damages or loss to persons arising out of the performance of any 8447
duty required or authorized by this section. 8448

(9) As used in this section, "peace officer" has the meaning 8449
set forth in section 2935.01 of the Revised Code. 8450

(E) All fees, except court costs, fees paid to a deputy 8451
registrar, and those portions of the financial responsibility 8452
reinstatement fees as otherwise specified in this division, 8453
collected under this section shall be paid into the state treasury 8454
to the credit of the public safety - highway purposes fund 8455
established in section 4501.06 of the Revised Code and used to 8456

cover costs incurred by the bureau in the administration of this 8457
 section and sections 4503.20, 4507.212, and 4509.81 of the Revised 8458
 Code, and by any law enforcement agency employing any peace 8459
 officer who returns any license, certificate of registration, and 8460
 license plates to the registrar pursuant to division (C) of this 8461
 section. 8462

Of each financial responsibility reinstatement fee the 8463
 registrar collects pursuant to division (A)(5)(a) of this section 8464
 or receives from a deputy registrar under division (A)(5)(d) of 8465
 this section, the registrar shall deposit twenty-five dollars of 8466
 each one-hundred-dollar reinstatement fee, fifty dollars of each 8467
 three-hundred-dollar reinstatement fee, and one hundred dollars of 8468
 each six-hundred-dollar reinstatement fee into the state treasury 8469
 to the credit of the indigent defense support fund created by 8470
 section 120.08 of the Revised Code. 8471

(F) Chapter 119. of the Revised Code applies to this section 8472
 only to the extent that any provision in that chapter is not 8473
 clearly inconsistent with this section. 8474

(G)(1)(a) The registrar, court, traffic violations bureau, or 8475
 peace officer may require proof of financial responsibility to be 8476
 demonstrated by use of a standard form prescribed by the 8477
 registrar. If the use of a standard form is not required, a person 8478
 may demonstrate proof of financial responsibility under this 8479
 section by presenting to the traffic violations bureau, court, 8480
 registrar, or peace officer any of the following documents or a 8481
 copy of the documents: 8482

(i) A financial responsibility identification card as 8483
 provided in section 4509.103 of the Revised Code; 8484

(ii) A certificate of proof of financial responsibility on a 8485
 form provided and approved by the registrar for the filing of an 8486

accident report required to be filed under section 4509.06 of the Revised Code; 8487
8488

(iii) A policy of liability insurance, a declaration page of a policy of liability insurance, or liability bond, if the policy or bond complies with section 4509.20 or sections 4509.49 to 4509.61 of the Revised Code; 8489
8490
8491
8492

(iv) A bond or certification of the issuance of a bond as provided in section 4509.59 of the Revised Code; 8493
8494

(v) A certificate of deposit of money or securities as provided in section 4509.62 of the Revised Code; 8495
8496

(vi) A certificate of self-insurance as provided in section 4509.72 of the Revised Code. 8497
8498

(b) A person also may present proof of financial responsibility under this section to the traffic violations bureau, court, registrar, or peace officer through use of an electronic wireless communications device as specified under section 4509.103 of the Revised Code. 8499
8500
8501
8502
8503

(2) If a person fails to demonstrate proof of financial responsibility in a manner described in division (G)(1) of this section, the person may demonstrate proof of financial responsibility under this section by any other method that the court or the bureau, by reason of circumstances in a particular case, may consider appropriate. 8504
8505
8506
8507
8508
8509

(3) A motor carrier certificated by the interstate commerce commission or by the public utilities commission may demonstrate proof of financial responsibility by providing a statement designating the motor carrier's operating authority and averring that the insurance coverage required by the certificating authority is in full force and effect. 8510
8511
8512
8513
8514
8515

(4)(a) A finding by the registrar or court that a person is covered by proof of financial responsibility in the form of an insurance policy or surety bond is not binding upon the named insurer or surety or any of its officers, employees, agents, or representatives and has no legal effect except for the purpose of administering this section.

(b) The preparation and delivery of a financial responsibility identification card or any other document authorized to be used as proof of financial responsibility and the generation and delivery of proof of financial responsibility to an electronic wireless communications device that is displayed on the device as text or images does not do any of the following:

(i) Create any liability or estoppel against an insurer or surety, or any of its officers, employees, agents, or representatives;

(ii) Constitute an admission of the existence of, or of any liability or coverage under, any policy or bond;

(iii) Waive any defenses or counterclaims available to an insurer, surety, agent, employee, or representative in an action commenced by an insured or third-party claimant upon a cause of action alleged to have arisen under an insurance policy or surety bond or by reason of the preparation and delivery of a document for use as proof of financial responsibility or the generation and delivery of proof of financial responsibility to an electronic wireless communications device.

(c) Whenever it is determined by a final judgment in a judicial proceeding that an insurer or surety, which has been named on a document or displayed on an electronic wireless communications device accepted by a court or the registrar as proof of financial responsibility covering the operation of a

motor vehicle at the time of an accident or offense, is not liable 8546
to pay a judgment for injuries or damages resulting from such 8547
operation, the registrar, notwithstanding any previous contrary 8548
finding, shall forthwith suspend the operating privileges and 8549
registration rights of the person against whom the judgment was 8550
rendered as provided in division (A)(2) of this section. 8551

(H) In order for any document or display of text or images on 8552
an electronic wireless communications device described in division 8553
(G)(1) of this section to be used for the demonstration of proof 8554
of financial responsibility under this section, the document or 8555
words or images shall state the name of the insured or obligor, 8556
the name of the insurer or surety company, and the effective and 8557
expiration dates of the financial responsibility, and designate by 8558
explicit description or by appropriate reference all motor 8559
vehicles covered which may include a reference to fleet insurance 8560
coverage. 8561

(I) For purposes of this section, "owner" does not include a 8562
licensed motor vehicle leasing dealer as defined in section 8563
4517.01 of the Revised Code, but does include a motor vehicle 8564
renting dealer as defined in section 4549.65 of the Revised Code. 8565
Nothing in this section or in section 4509.51 of the Revised Code 8566
shall be construed to prohibit a motor vehicle renting dealer from 8567
entering into a contractual agreement with a person whereby the 8568
person renting the motor vehicle agrees to be solely responsible 8569
for maintaining proof of financial responsibility, in accordance 8570
with this section, with respect to the operation, maintenance, or 8571
use of the motor vehicle during the period of the motor vehicle's 8572
rental. 8573

(J) The purpose of this section is to require the maintenance 8574
of proof of financial responsibility with respect to the operation 8575

of motor vehicles on the highways of this state, so as to minimize 8576
 those situations in which persons are not compensated for injuries 8577
 and damages sustained in motor vehicle accidents. The general 8578
 assembly finds that this section contains reasonable civil 8579
 penalties and procedures for achieving this purpose. 8580

(K) Nothing in this section shall be construed to be subject 8581
 to section 4509.78 of the Revised Code. 8582

(L)(1) The registrar may terminate any suspension imposed 8583
 under this section and not require the owner to comply with 8584
 divisions (A)(5)(a), (b), and (c) of this section if the registrar 8585
 with or without a hearing determines that the owner of the vehicle 8586
 has established by clear and convincing evidence that all of the 8587
 following apply: 8588

(a) The owner customarily maintains proof of financial 8589
 responsibility. 8590

(b) Proof of financial responsibility was not in effect for 8591
 the vehicle on the date in question for one of the following 8592
 reasons: 8593

(i) The vehicle was inoperable. 8594

(ii) The vehicle is operated only seasonally, and the date in 8595
 question was outside the season of operation. 8596

(iii) A person other than the vehicle owner or driver was at 8597
 fault for the lapse of proof of financial responsibility through 8598
 no fault of the owner or driver. 8599

(iv) The lapse of proof of financial responsibility was 8600
 caused by excusable neglect under circumstances that are not 8601
 likely to recur and do not suggest a purpose to evade the 8602
 requirements of this chapter. 8603

(2) The registrar may grant an owner or driver relief for a reason specified in division (L)(1)(b)(iii) or (iv) of this section only if the owner or driver has not previously been granted relief under division (L)(1)(b)(iii) or (iv) of this section.

(M) The registrar shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary to administer and enforce this section. The rules shall include procedures for the surrender of license plates upon failure to maintain proof of financial responsibility and provisions relating to reinstatement of registration rights, acceptable forms of proof of financial responsibility, the use of an electronic wireless communications device to present proof of financial responsibility, and verification of the existence of financial responsibility during the period of registration.

(N)(1) When a person utilizes an electronic wireless communications device to present proof of financial responsibility, only the evidence of financial responsibility displayed on the device shall be viewed by the registrar, peace officer, employee or official of the traffic violations bureau, or the court. No other content of the device shall be viewed for purposes of obtaining proof of financial responsibility.

(2) When a person provides an electronic wireless communications device to the registrar, a peace officer, an employee or official of a traffic violations bureau, or the court, the person assumes the risk of any resulting damage to the device unless the registrar, peace officer, employee, or official, or court personnel purposely, knowingly, or recklessly commits an action that results in damage to the device.

Sec. 4510.03. (A) Every county court judge, mayor of a 8633
mayor's court, and clerk of a court of record shall keep a full 8634
record of every case in which a person is charged with any 8635
violation of any provision of sections 4511.01 to 4511.771 or 8636
4513.01 to 4513.36 of the Revised Code or of any other law or 8637
ordinance regulating the operation of vehicles, streetcars, and 8638
trackless trolleys on highways or streets. 8639

(B) If a person is convicted of or forfeits bail in relation 8640
to a violation of any section listed in division (A) of this 8641
section or a violation of any other law or ordinance regulating 8642
the operation of vehicles, streetcars, and trackless trolleys on 8643
highways or streets, the county court judge, mayor of a mayor's 8644
court, or clerk, within seven days after the conviction or bail 8645
forfeiture, shall prepare and immediately forward to the bureau of 8646
motor vehicles, in a secure electronic format, an abstract, 8647
certified by the preparer to be true and correct, of the court 8648
record covering the case in which the person was convicted or 8649
forfeited bail. Every court of record also shall forward to the 8650
bureau of motor vehicles, in a secure electronic format, an 8651
abstract of the court record as described in division (C) of this 8652
section upon the conviction of any person of aggravated vehicular 8653
homicide or vehicular homicide or of a felony in the commission of 8654
which a vehicle was used. 8655

(C) Each abstract required by this section shall be made upon 8656
a form approved and furnished by the bureau and shall include the 8657
name and address of the person charged, the number of the person's 8658
driver's or commercial driver's license, probationary driver's 8659
license, or temporary instruction permit, the registration number 8660
of the vehicle involved, the nature of the offense, the date of 8661
the offense, the date of hearing, the plea, the judgment, or 8662

whether bail was forfeited, and the amount of the fine or 8663
forfeiture. 8664

Sec. 4510.41. (A) As used in this section: 8665

(1) "Arrested person" means a person who is arrested for a 8666
violation of section 4510.14 or 4511.203 of the Revised Code, or a 8667
municipal ordinance that is substantially equivalent to either of 8668
those sections, and whose arrest results in a vehicle being seized 8669
under division (B) of this section. 8670

(2) "Vehicle owner" means either of the following: 8671

(a) The person in whose name is registered, at the time of 8672
the seizure, a vehicle that is seized under division (B) of this 8673
section; 8674

(b) A person to whom the certificate of title to a vehicle 8675
that is seized under division (B) of this section has been 8676
assigned and who has not obtained a certificate of title to the 8677
vehicle in that person's name, but who is deemed by the court as 8678
being the owner of the vehicle at the time the vehicle was seized 8679
under division (B) of this section. 8680

(3) "Interested party" includes the owner of a vehicle seized 8681
under this section, all lienholders, the arrested person, the 8682
owner of the place of storage at which a vehicle seized under this 8683
section is stored, and the person or entity that caused the 8684
vehicle to be removed. 8685

(B)(1) If a person is arrested for a violation of section 8686
4510.14 or 4511.203 of the Revised Code or a municipal ordinance 8687
that is substantially equivalent to either of those sections, the 8688
arresting officer or another officer of the law enforcement agency 8689
that employs the arresting officer, in addition to any action that 8690

the arresting officer is required or authorized to take by any
other provision of law, shall seize the vehicle that the person
was operating at the time of, or that was involved in, the alleged
offense if the vehicle is registered in the arrested person's name
and its license plates. A law enforcement agency that employs a
law enforcement officer who makes an arrest of a type that is
described in this division and that involves a rented or leased
vehicle that is being rented or leased for a period of thirty days
or less shall notify, within twenty-four hours after the officer
makes the arrest, the lessor or owner of the vehicle regarding the
circumstances of the arrest and the location at which the vehicle
may be picked up. At the time of the seizure of the vehicle, the
law enforcement officer who made the arrest shall give the
arrested person written notice that the vehicle and its license
plates have been seized; that the vehicle either will be kept by
the officer's law enforcement agency or will be immobilized at
least until the person's initial appearance on the charge of the
offense for which the arrest was made; that, at the initial
appearance, the court in certain circumstances may order that the
vehicle and license plates be released to the arrested person
until the disposition of that charge; that, if the arrested person
is convicted of that charge, the court generally must order the
immobilization of the vehicle and the impoundment of its license
plates or the forfeiture of the vehicle; and that the arrested
person may be charged expenses or charges incurred under this
section and section 4503.233 of the Revised Code for the removal
and storage of the vehicle.

(2) The arresting officer or a law enforcement officer of the
agency that employs the arresting officer shall give written
notice of the seizure under division (B)(1) of this section to the
court that will conduct the initial appearance of the arrested

person on the charges arising out of the arrest. Upon receipt of 8722
the notice, the court promptly shall determine whether the 8723
arrested person is the vehicle owner. If the court determines that 8724
the arrested person is not the vehicle owner, it promptly shall 8725
send by regular mail written notice of the seizure to the 8726
vehicle's registered owner. The written notice shall contain all 8727
of the information required by division (B)(1) of this section to 8728
be in a notice to be given to the arrested person and also shall 8729
specify the date, time, and place of the arrested person's initial 8730
appearance. The notice also shall inform the vehicle owner that if 8731
title to a motor vehicle that is subject to an order for criminal 8732
forfeiture under this section is assigned or transferred and 8733
division (B)(2) or (3) of section 4503.234 of the Revised Code 8734
applies, the court may fine the arrested person the value of the 8735
vehicle. The notice also shall state that if the vehicle is 8736
immobilized under division (A) of section 4503.233 of the Revised 8737
Code, seven days after the end of the period of immobilization a 8738
law enforcement agency will send the vehicle owner a notice, 8739
informing the owner that if the release of the vehicle is not 8740
obtained in accordance with division (D)(3) of section 4503.233 of 8741
the Revised Code, the vehicle shall be forfeited. The notice also 8742
shall inform the vehicle owner that the owner may be charged 8743
expenses or charges incurred under this section and section 8744
4503.233 of the Revised Code for the removal and storage of the 8745
vehicle. 8746

The written notice that is given to the arrested person also 8747
shall state that if the person is convicted of or pleads guilty to 8748
the offense and the court issues an immobilization and impoundment 8749
order relative to that vehicle, division (D)(4) of section 8750
4503.233 of the Revised Code prohibits the vehicle from being sold 8751
during the period of immobilization without the prior approval of 8752

the court. 8753

(3) At or before the initial appearance, the vehicle owner 8754
may file a motion requesting the court to order that the vehicle 8755
and its license plates be released to the vehicle owner. Except as 8756
provided in this division and subject to the payment of expenses 8757
or charges incurred in the removal and storage of the vehicle, the 8758
court, in its discretion, then may issue an order releasing the 8759
vehicle and its license plates to the vehicle owner. Such an order 8760
may be conditioned upon such terms as the court determines 8761
appropriate, including the posting of a bond in an amount 8762
determined by the court. If the arrested person is not the vehicle 8763
owner and if the vehicle owner is not present at the arrested 8764
person's initial appearance, and if the court believes that the 8765
vehicle owner was not provided with adequate notice of the initial 8766
appearance, the court, in its discretion, may allow the vehicle 8767
owner to file a motion within seven days of the initial 8768
appearance. If the court allows the vehicle owner to file such a 8769
motion after the initial appearance, the extension of time granted 8770
by the court does not extend the time within which the initial 8771
appearance is to be conducted. If the court issues an order for 8772
the release of the vehicle and its license plates, a copy of the 8773
order shall be made available to the vehicle owner. If the vehicle 8774
owner presents a copy of the order to the law enforcement agency 8775
that employs the law enforcement officer who arrested the arrested 8776
person, the law enforcement agency promptly shall release the 8777
vehicle and its license plates to the vehicle owner upon payment 8778
by the vehicle owner of any expenses or charges incurred in the 8779
removal or storage of the vehicle. 8780

(4) A vehicle seized under division (B)(1) of this section 8781
either shall be towed to a place specified by the law enforcement 8782
agency that employs the arresting officer to be safely kept by the 8783

agency at that place for the time and in the manner specified in 8784
 this section or shall be otherwise immobilized for the time and in 8785
 the manner specified in this section. ~~A law enforcement officer of~~ 8786
~~that agency shall remove the identification license plates of the~~ 8787
~~vehicle, and they shall be safely kept by the agency for the time~~ 8788
~~and in the manner specified in this section.~~ The license plates 8789
shall remain on the seized vehicle unless otherwise ordered by the 8790
court. No vehicle that is seized and either towed or immobilized 8791
 pursuant to this division shall be considered contraband for 8792
 purposes of Chapter 2981. of the Revised Code. The vehicle shall 8793
 not be immobilized at any place other than a commercially operated 8794
 private storage lot, a place owned by a law enforcement or other 8795
 government agency, or a place to which one of the following 8796
 applies: 8797

(a) The place is leased by or otherwise under the control of 8798
 a law enforcement or other government agency. 8799

(b) The place is owned by the arrested person, the arrested 8800
 person's spouse, or a parent or child of the arrested person. 8801

(c) The place is owned by a private person or entity, and, 8802
 prior to the immobilization, the private entity or person that 8803
 owns the place, or the authorized agent of that private entity or 8804
 person, has given express written consent for the immobilization 8805
 to be carried out at that place. 8806

(d) The place is a public street or highway on which the 8807
 vehicle is parked in accordance with the law. 8808

(C)(1) A vehicle seized under division (B)(1) of this section 8809
 shall be safely kept at the place to which it is towed or 8810
 otherwise moved by the law enforcement agency that employs the 8811
 arresting officer until the initial appearance of the arrested 8812
 person relative to the charge in question. The license plates of 8813

~~shall remain on the seized vehicle that are removed pursuant to 8814
division (B)(1) of this section shall be safely kept by the law 8815
enforcement agency that employs the arresting officer until at 8816
least the initial appearance of the arrested person relative to 8817
the charge in question unless otherwise ordered by the court. 8818~~

(2)(a) At the initial appearance or not less than seven days 8819
prior to the date of final disposition, the court shall notify the 8820
arrested person that, if title to a motor vehicle that is subject 8821
to an order for criminal forfeiture under this section is assigned 8822
or transferred and division (B)(2) or (3) of section 4503.234 of 8823
the Revised Code applies, the court may fine the arrested person 8824
the value of the vehicle. If, at the initial appearance, the 8825
arrested person pleads guilty to the violation of section 4510.14 8826
or 4511.203 of the Revised Code, or a municipal ordinance that is 8827
substantially equivalent to either of those sections or pleads no 8828
contest to and is convicted of the violation, the following 8829
sentencing provisions apply: 8830

(i) If the person violated section 4510.14 of the Revised 8831
Code or a municipal ordinance that is substantially equivalent to 8832
that section, the court shall impose sentence upon the person as 8833
provided by law or ordinance; the court shall order the 8834
immobilization of the vehicle the arrested person was operating at 8835
the time of, or that was involved in, the offense if registered in 8836
the arrested person's name and the impoundment of its license 8837
plates under sections 4503.233 and 4510.14 of the Revised Code or 8838
the criminal forfeiture to the state of the vehicle if registered 8839
in the arrested person's name under sections 4503.234 and 4510.14 8840
of the Revised Code, whichever is applicable; and the vehicle and 8841
its license plates shall not be returned or released to the 8842
arrested person. 8843

(ii) If the person violated section 4511.203 of the Revised 8844

Code or a municipal ordinance that is substantially equivalent to 8845
that section, the court shall impose sentence upon the person as 8846
provided by law or ordinance; the court may order the 8847
immobilization of the vehicle the arrested person was operating at 8848
the time of, or that was involved in, the offense if registered in 8849
the arrested person's name and the impoundment of its license 8850
plates under section 4503.233 and section 4511.203 of the Revised 8851
Code or the criminal forfeiture to the state of the vehicle if 8852
registered in the arrested person's name under section 4503.234 8853
and section 4511.203 of the Revised Code, whichever is applicable; 8854
and the vehicle and its license plates shall not be returned or 8855
released to the arrested person. 8856

(b) If, at any time, the charge that the arrested person 8857
violated section 4510.14 or 4511.203 of the Revised Code, or a 8858
municipal ordinance that is substantially equivalent to either of 8859
those sections is dismissed for any reason, the court shall order 8860
that the vehicle seized at the time of the arrest and its license 8861
plates immediately be released to the person. 8862

(D) If a vehicle and its license plates are seized under 8863
division (B)(1) of this section and are not returned or released 8864
to the arrested person pursuant to division (C) of this section, 8865
the vehicle and its license plates shall be retained until the 8866
final disposition of the charge in question. Upon the final 8867
disposition of that charge, the court shall do whichever of the 8868
following is applicable: 8869

(1) If the arrested person is convicted of or pleads guilty 8870
to the violation of section 4510.14 of the Revised Code or a 8871
municipal ordinance that is substantially equivalent to that 8872
section, the court shall impose sentence upon the person as 8873
provided by law or ordinance and shall order the immobilization of 8874

the vehicle the person was operating at the time of, or that was
involved in, the offense if it is registered in the arrested
person's name and the impoundment of its license plates under
sections 4503.233 and 4510.14 of the Revised Code or the criminal
forfeiture of the vehicle if it is registered in the arrested
person's name under sections 4503.234 and 4510.14 of the Revised
Code, whichever is applicable.

(2) If the arrested person is convicted of or pleads guilty
to the violation of section 4511.203 of the Revised Code, or a
municipal ordinance that is substantially equivalent to that
section, the court shall impose sentence upon the person as
provided by law or ordinance and may order the immobilization of
the vehicle the person was operating at the time of, or that was
involved in, the offense if it is registered in the arrested
person's name and the impoundment of its license plates under
section 4503.233 and section 4511.203 of the Revised Code or the
criminal forfeiture of the vehicle if it is registered in the
arrested person's name under section 4503.234 and section 4511.203
of the Revised Code, whichever is applicable.

(3) If the arrested person is found not guilty of the
violation of section 4510.14 or 4511.203 of the Revised Code, or a
municipal ordinance that is substantially equivalent to either of
those sections, the court shall order that the vehicle and its
license plates immediately be released to the arrested person.

(4) If the charge that the arrested person violated section
4510.14 or 4511.203 of the Revised Code, or a municipal ordinance
that is substantially equivalent to either of those sections is
dismissed for any reason, the court shall order that the vehicle
and its license plates immediately be released to the arrested
person.

(5) If the impoundment of the vehicle was not authorized 8905
under this section, the court shall order that the vehicle and its 8906
license plates be returned immediately to the arrested person or, 8907
if the arrested person is not the vehicle owner, to the vehicle 8908
owner and shall order that the state or political subdivision of 8909
the law enforcement agency served by the law enforcement officer 8910
who seized the vehicle pay all expenses and charges incurred in 8911
its removal and storage. 8912

(E) If a vehicle is seized under division (B)(2) of this 8913
section, the time between the seizure of the vehicle and either 8914
its release to the arrested person pursuant to division (C) of 8915
this section or the issuance of an order of immobilization of the 8916
vehicle under section 4503.233 of the Revised Code shall be 8917
credited against the period of immobilization ordered by the 8918
court. 8919

(F)(1) Except as provided in division (D)(4) of this section, 8920
the arrested person may be charged expenses or charges incurred in 8921
the removal and storage of the immobilized vehicle. The court with 8922
jurisdiction over the case, after notice to all interested 8923
parties, including lienholders, and after an opportunity for them 8924
to be heard, if the court finds that the arrested person does not 8925
intend to seek release of the vehicle at the end of the period of 8926
immobilization under section 4503.233 of the Revised Code or that 8927
the arrested person is not or will not be able to pay the expenses 8928
and charges incurred in its removal and storage, may order that 8929
title to the vehicle be transferred, in order of priority, first 8930
into the name of the person or entity that removed it, next into 8931
the name of a lienholder, or lastly into the name of the owner of 8932
the place of storage. 8933

Any lienholder that receives title under a court order shall 8934

do so on the condition that it pay any expenses or charges 8935
incurred in the vehicle's removal and storage. If the person or 8936
entity that receives title to the vehicle is the person or entity 8937
that removed it, the person or entity shall receive title on the 8938
condition that it pay any lien on the vehicle. The court shall not 8939
order that title be transferred to any person or entity other than 8940
the owner of the place of storage if the person or entity refuses 8941
to receive the title. Any person or entity that receives title 8942
either may keep title to the vehicle or may dispose of the vehicle 8943
in any legal manner that it considers appropriate, including 8944
assignment of the certificate of title to the motor vehicle to a 8945
salvage dealer or a scrap metal processing facility. The person or 8946
entity shall not transfer the vehicle to the person who is the 8947
vehicle's immediate previous owner. 8948

If the person or entity that receives title assigns the motor 8949
vehicle to a salvage dealer or scrap metal processing facility, 8950
the person or entity shall send the assigned certificate of title 8951
to the motor vehicle to the clerk of the court of common pleas of 8952
the county in which the salvage dealer or scrap metal processing 8953
facility is located. The person or entity shall mark the face of 8954
the certificate of title with the words "FOR DESTRUCTION" and 8955
shall deliver a photocopy of the certificate of title to the 8956
salvage dealer or scrap metal processing facility for its records. 8957

(2) Whenever a court issues an order under division (F)(1) of 8958
this section, the court also shall order removal of the license 8959
plates from the vehicle and cause them to be sent to the registrar 8960
if they have not already been sent to the registrar. Thereafter, 8961
no further proceedings shall take place under this section or 8962
under section 4503.233 of the Revised Code. 8963

(3) Prior to initiating a proceeding under division (F)(1) of 8964

this section, and upon payment of the fee under division (B) of 8965
 section 4505.14, any interested party may cause a search to be 8966
 made of the public records of the bureau of motor vehicles or the 8967
 clerk of the court of common pleas, to ascertain the identity of 8968
 any lienholder of the vehicle. The initiating party shall furnish 8969
 this information to the clerk of the court with jurisdiction over 8970
 the case, and the clerk shall provide notice to the arrested 8971
 person, any lienholder, and any other interested parties listed by 8972
 the initiating party, at the last known address supplied by the 8973
 initiating party, by certified mail, or, at the option of the 8974
 initiating party, by personal service or ordinary mail. 8975

Sec. 4735.13. (A) Every real estate broker licensed under 8976
 this chapter shall have and maintain a definite place of business 8977
 in this state. A post office box address is not a definite place 8978
 of business for purposes of this section. The license of a real 8979
 estate broker shall be prominently displayed in the office or 8980
 place of business of the broker, and no license shall authorize 8981
 the licensee to do business except from the location specified in 8982
 it. If the broker maintains more than one place of business within 8983
 the state, the broker shall apply for and procure a duplicate 8984
 license for each branch office maintained by the broker. Each 8985
 branch office shall be in the charge of a licensed broker or 8986
 salesperson. The branch office license shall be prominently 8987
 displayed at the branch office location. 8988

(B) The license of each real estate salesperson shall be 8989
electronically mailed to and remain in the possession of the 8990
 licensed broker with whom the salesperson is or is to be 8991
 associated until the licensee places the license on inactive or 8992
 resigned status or until the salesperson leaves the brokerage or 8993
 is terminated. The broker shall keep a copy of each salesperson's 8994

license in a way that it can, and shall on request, be made 8995
 immediately available for public inspection at the office or place 8996
 of business of the broker. Except as provided in divisions (G) and 8997
 (H) of this section, immediately upon the salesperson's leaving 8998
 the association or termination of the association of a real estate 8999
 salesperson with the broker, the broker shall ~~return the~~ 9000
~~salesperson's license to~~ notify the superintendent of real estate 9001
by electronic mail to the division of real estate's general 9002
electronic mail address. The broker shall keep a copy of the 9003
written notification for three years after it is sent. 9004

The failure of a broker to ~~return the license~~ notify the 9005
superintendent of real estate in writing of a real estate 9006
 salesperson or broker who leaves or who is terminated, via 9007
~~certified~~ electronic mail ~~return receipt requested~~, within three 9008
 business days of the receipt of a written request from the 9009
 superintendent for ~~the return of the license~~ such notification, is 9010
 prima-facie evidence of misconduct under division (A)(6) of 9011
 section 4735.18 of the Revised Code. 9012

(C) A licensee shall notify the superintendent in writing 9013
 within fifteen days of any of the following occurrences: 9014

(1) The licensee is convicted of a felony. 9015

(2) The licensee is convicted of a crime involving moral 9016
 turpitude. 9017

(3) The licensee is found to have violated any federal, 9018
 state, or municipal civil rights law pertaining to discrimination 9019
 in housing. 9020

(4) The licensee is found to have engaged in a discriminatory 9021
 practice pertaining to housing accommodations described in 9022
 division (H) of section 4112.02 of the Revised Code. 9023

(5) The licensee is the subject of an order by the department 9024
of commerce, the department of insurance, or the department of 9025
agriculture revoking or permanently surrendering any professional 9026
license, certificate, or registration. 9027

(6) The licensee is the subject of an order by any government 9028
agency concerning real estate, financial matters, or the 9029
performance of fiduciary duties with respect to any license, 9030
certificate, or registration. 9031

If a licensee fails to notify the superintendent within the 9032
required time, the superintendent immediately may suspend the 9033
license of the licensee. 9034

Any court that convicts a licensee of a violation of any 9035
municipal civil rights law pertaining to housing discrimination 9036
also shall notify the Ohio civil rights commission within fifteen 9037
days of the conviction. 9038

(D) In case of any change of business location, a broker 9039
shall give notice to the superintendent, on a form prescribed by 9040
the superintendent, within thirty days after the change of 9041
location, whereupon the superintendent shall issue new licenses 9042
for the unexpired period without charge. If a broker changes a 9043
business location without giving the required notice and without 9044
receiving new licenses that action is prima-facie evidence of 9045
misconduct under division (A)(6) of section 4735.18 of the Revised 9046
Code. 9047

(E) If a real estate broker desires to associate with another 9048
real estate broker in the capacity of a real estate salesperson, 9049
the broker shall apply to the superintendent to deposit the 9050
broker's real estate broker's license with the superintendent and 9051
for the issuance of a real estate salesperson's license. The 9052
application shall be made on a form prescribed by the 9053

superintendent and shall be accompanied by the recommendation of
the real estate broker with whom the applicant intends to become
associated and a fee of thirty-four dollars for the real estate
salesperson's license. One dollar of the fee shall be credited to
the real estate education and research fund. If the superintendent
is satisfied that the applicant is honest and truthful, has not
been convicted of a disqualifying offense as determined in
accordance with section 9.79 of the Revised Code, and has not been
finally adjudged by a court to have violated any municipal, state,
or federal civil rights laws relevant to the protection of
purchasers or sellers of real estate, and that the association of
the real estate broker and the applicant will be in the public
interest, the superintendent shall grant the application and issue
a real estate salesperson's license to the applicant. Any license
so deposited with the superintendent shall be subject to this
chapter. A broker who intends to deposit the broker's license with
the superintendent, as provided in this section, shall give
written notice of this fact in a format prescribed by the
superintendent to all salespersons associated with the broker when
applying to place the broker's license on deposit.

(F) If a real estate broker desires to become a member or
officer of a partnership, association, limited liability company,
limited liability partnership, or corporation that is or intends
to become a licensed real estate broker, the broker shall notify
the superintendent of the broker's intentions. The notice of
intention shall be on a form prescribed by the superintendent and
shall be accompanied by a fee of thirty-four dollars. One dollar
of the fee shall be credited to the real estate education and
research fund.

A licensed real estate broker who is a member or officer of a
partnership, association, limited liability company, limited

liability partnership, or corporation shall only act as a real 9085
estate broker for such partnership, association, limited liability 9086
company, limited liability partnership, or corporation. 9087

(G)(1) If a real estate broker or salesperson enters the 9088
armed forces, the broker or salesperson may place the broker's or 9089
salesperson's license on deposit with the Ohio real estate 9090
commission. The licensee shall not be required to renew the 9091
license until the renewal date that follows the date of discharge 9092
from the armed forces. Any license deposited with the commission 9093
shall be subject to this chapter. 9094

Any licensee whose license is on deposit under this division 9095
and who fails to meet the continuing education requirements of 9096
section 4735.141 of the Revised Code because the licensee is in 9097
the armed forces shall satisfy the commission that the licensee 9098
has complied with the continuing education requirements within 9099
twelve months of the licensee's first birthday after discharge or 9100
within the amount of time equal to the total number of months the 9101
licensee spent on active duty, whichever is greater. The licensee 9102
shall submit proper documentation of active duty service and the 9103
length of that active duty service to the superintendent. The 9104
extension shall not exceed the total number of months that the 9105
licensee served in active duty. The superintendent shall notify 9106
the licensee of the licensee's obligations under section 4735.141 9107
of the Revised Code at the time the licensee applies for 9108
reactivation of the licensee's license. 9109

(2) If a licensee is a spouse of a member of the armed forces 9110
and the spouse's service resulted in the licensee's absence from 9111
this state, both of the following apply: 9112

(a) The licensee shall not be required to renew the license 9113
until the renewal date that follows the date of the spouse's 9114

discharge from the armed forces. 9115

(b) If the licensee fails to meet the continuing education 9116
 requirements of section 4735.141 of the Revised Code, the licensee 9117
 shall satisfy the commission that the licensee has complied with 9118
 the continuing education requirements within twelve months after 9119
 the licensee's first birthday after the spouse's discharge or 9120
 within the amount of time equal to the total number of months the 9121
 licensee's spouse spent on active duty, whichever is greater. The 9122
 licensee shall submit proper documentation of the spouse's active 9123
 duty service and the length of that active duty service. This 9124
 extension shall not exceed the total number of months that the 9125
 licensee's spouse served in active duty. 9126

(3) In the case of a licensee as described in division (G)(2) 9127
 of this section, who holds the license through a reciprocity 9128
 agreement with another state, the spouse's service shall have 9129
 resulted in the licensee's absence from the licensee's state of 9130
 residence for the provisions of that division to apply. 9131

(4) As used in this division, "armed forces" means the armed 9132
 forces of the United States or reserve component of the armed 9133
 forces of the United States including the Ohio national guard or 9134
 the national guard of any other state. 9135

(H) If a licensed real estate salesperson submits an 9136
 application to the superintendent to leave the association of one 9137
 broker to associate with a different broker, the broker possessing 9138
 the licensee's license need not ~~return the salesperson's license~~ 9139
~~to~~ notify the superintendent pursuant to division (B) of this 9140
section. The superintendent may process the application regardless 9141
 of whether the licensee's license is returned to the 9142
 superintendent or the superintendent is notified pursuant to 9143
division (B) of this section. 9144

Sec. 4735.14. (A) Each license issued under this chapter, 9145
 shall be valid without further recommendation or examination until 9146
 it is placed in an inactive or resigned status, is revoked or 9147
 suspended, or such license expires by operation of law. 9148

(B) Except for a licensee who has placed the licensee's 9149
 license in resigned status pursuant to section 4735.142 of the 9150
 Revised Code, each licensed broker, brokerage, or salesperson 9151
 shall file, on or before the date the Ohio real estate commission 9152
 has adopted by rule for that licensee in accordance with division 9153
 (A)(2)(f) of section 4735.10 of the Revised Code, a notice of 9154
 renewal on a form prescribed by the superintendent of real estate. 9155
 The notice of renewal shall be ~~mailed~~ sent by the superintendent 9156
 two months prior to the filing deadline to the ~~personal residence~~ 9157
electronic mail address of each broker or salesperson that is on 9158
 file with the division. If the licensee is a partnership, 9159
 association, limited liability company, limited liability 9160
 partnership, or corporation, the notice of renewal shall be ~~mailed~~ 9161
sent by the superintendent two months prior to the filing deadline 9162
 to the brokerage's business electronic mail address on file with 9163
 the division. A licensee shall not renew the licensee's license 9164
 any earlier than two months prior to the filing deadline. 9165

(C) Except as otherwise provided in division (B) of this 9166
 section, the license of any real estate broker, brokerage, or 9167
 salesperson that fails to file a notice of renewal on or before 9168
 the filing deadline of each ensuing year shall be suspended 9169
 automatically without the taking of any action by the 9170
 superintendent. A suspended license may be reactivated within 9171
 twelve months of the date of suspension, provided that the renewal 9172
 fee plus a penalty fee of fifty per cent of the renewal fee is 9173
 paid to the superintendent. Failure to reactivate the license as 9174

provided in this division shall result in automatic revocation of
the license without the taking of any action by the
superintendent. No person, partnership, association, corporation,
limited liability company, or limited partnership shall engage in
any act or acts for which a real estate license is required while
that entity's license is placed in an inactive or resigned status,
or is suspended, or revoked. The commission shall adopt rules in
accordance with Chapter 119. of the Revised Code to provide to
licensees notice of suspension or revocation or both.

(D) Each licensee shall notify the superintendent of a change
in personal residence address within thirty days after the change
of location. A licensee's failure to notify the superintendent of
a change in personal residence address does not negate the
requirement to file the license renewal by the required deadline
established by the commission by rule under division (A)(2)(f) of
section 4735.10 of the Revised Code. Each licensee shall maintain
a valid electronic mail address on file with the division and
notify the superintendent of any change in electronic mail address
within thirty days after the change.

(E) The superintendent shall not renew a license if the
licensee fails to comply with section 4735.141 of the Revised Code
or is otherwise not in compliance with this chapter.

(F) The superintendent shall make notice of successful
renewal available electronically to licensees as soon as
practicable, but not later than thirty days after receipt by the
division of a complete application and renewal fee. This notice
shall serve as a notice of renewal for purposes of section 4745.02
of the Revised Code.

Sec. 5107.161. Before a county department of job and family

services sanctions an assistance group under section 5107.16 of 9204
the Revised Code, the state department of job and family services 9205
shall provide the assistance group written notice of the sanction 9206
in accordance with rules adopted under section 5107.05 of the 9207
Revised Code. The written notice shall include a provision printed 9208
in bold type face that informs the assistance group that, not 9209
later than fifteen calendar days after the state department mailed 9210
the written notice to the assistance group, the assistance group 9211
may request, for the purpose of explaining why the assistance 9212
group believes it should not be sanctioned, a state hearing under 9213
division (B) of section 5101.35 of the Revised Code which, at the 9214
assistance group's request, may be preceded by a ~~face-to-face~~ 9215
county conference with the county department. The written notice 9216
shall include either the telephone number of an Ohio works first 9217
ombudsperson provided for under section 329.07 of the Revised Code 9218
or the toll-free telephone number of the state department of job 9219
and family services that the assistance group may call to obtain 9220
the telephone number of an Ohio works first ombudsperson. 9221

Sec. 5120.14. (A) If a person who was convicted of or pleaded 9222
guilty to an offense escapes from a correctional institution in 9223
this state under the control of the department of rehabilitation 9224
and correction or otherwise escapes from the custody of the 9225
department, the department immediately after the escape shall 9226
report the escape, by telephone and in writing, to all local law 9227
enforcement agencies with jurisdiction in the county in which the 9228
institution from which the escape was made or to which the person 9229
was sentenced is located, to all local law enforcement agencies 9230
with jurisdiction in the county in which the person was convicted 9231
or pleaded guilty to the offense for which the escaped person was 9232
sentenced, to the state highway patrol, to the prosecuting 9233
attorney of the county in which the institution from which the 9234

escape was made or to which the person was sentenced is located, 9235
to the prosecuting attorney of the county in which the person was 9236
convicted or pleaded guilty to the offense for which the escaped 9237
person was sentenced, to a newspaper of general circulation in the 9238
county in which the institution from which the escape was made or 9239
to which the person was sentenced is located, and to a newspaper 9240
of general circulation in each county in which the escaped person 9241
was indicted for an offense for which, at the time of the escape, 9242
the escaped person had been sentenced to that institution. The 9243
written notice may be by ~~either~~ facsimile transmission, electronic 9244
mail, or mail. A failure to comply with this requirement is a 9245
violation of section 2921.22 of the Revised Code. 9246

(B) Upon the apprehension of the escaped person, the 9248
department shall give notice of the apprehension by telephone and 9249
in writing to the persons who were given notice of the escape 9250
under division (A) of this section. 9251

Sec. 5165.193. (A) The department of medicaid may, pursuant 9252
to rules authorized by this section, conduct an exception review 9253
of resident assessment data submitted by a nursing facility 9254
provider under section 5165.191 of the Revised Code. The 9255
department may conduct an exception review based on the findings 9256
of a medicaid certification survey conducted by the department of 9257
health, a risk analysis, or prior performance of the provider. 9258

Exception reviews shall be conducted ~~at the nursing facility~~ 9259
by appropriate health professionals under contract with or 9260
employed by the department. The professionals may review resident 9261
assessment forms and supporting documentation, conduct interviews, 9262
and observe residents to identify any patterns or trends of 9263
inaccurate resident assessments and resulting inaccurate case-mix 9264

scores. 9265

(B) If an exception review is conducted before the effective 9266
date of a nursing facility's rate for direct care costs that is 9267
based on the resident assessment data being reviewed and the 9268
review results in findings that exceed tolerance levels specified 9269
in the rules authorized by this section, the department, in 9270
accordance with those rules, may use the findings to redetermine 9271
individual resident case-mix scores, the nursing facility's 9272
case-mix score for the quarter, and the nursing facility's annual 9273
average case-mix score. The department may use the nursing 9274
facility's redetermined quarterly and annual average case-mix 9275
scores to determine the nursing facility's rate for direct care 9276
costs for the appropriate calendar quarter or quarters. 9277

(C) The department shall prepare a written summary of any 9278
exception review finding that is made after the effective date of 9279
a nursing facility's rate for direct care costs that is based on 9280
the resident assessment data that was reviewed. Where the provider 9281
is pursuing judicial or administrative remedies in good faith 9282
regarding the finding, the department shall not withhold from the 9283
provider's current payments any amounts the department claims to 9284
be due from the provider pursuant to section 5165.41 of the 9285
Revised Code. 9286

(D)(1) The medicaid director shall adopt rules under section 9287
5165.02 of the Revised Code as necessary to implement this 9288
section. The rules shall establish an exception review program 9289
that does all of the following: 9290

(a) Requires each exception review to comply with Title XVIII 9291
and Title XIX; 9292

(b) Requires a written summary for each exception review that 9293
states whether resident assessment forms have been completed 9294

accurately; 9295

(c) Prohibits each health professional who conducts an 9296
exception review from doing either of the following: 9297

(i) During the period of the professional's contract or 9298
employment with the department, having or being committed to 9299
acquire any direct or indirect financial interest in the 9300
ownership, financing, or operation of nursing facilities in this 9301
state; 9302

(ii) Reviewing any provider that has been a client of the 9303
professional. 9304

(2) For the purposes of division (D)(1)(c)(i) of this 9305
section, employment of a member of a health professional's family 9306
by a nursing facility that the professional does not review does 9307
not constitute a direct or indirect financial interest in the 9308
ownership, financing, or operation of the nursing facility. 9309

Sec. 5165.86. The department of medicaid, the department of 9310
health, and any contracting agency shall deliver a written notice, 9311
statement, or order to a nursing facility under sections 5165.60 9312
to 5165.66 and 5165.69 to 5165.89 of the Revised Code by certified 9313
mail ~~or~~, hand delivery, or other means reasonably calculated to 9314
provide prompt actual notice. If the notice, statement, or order 9315
is mailed, it shall be addressed to the administrator of the 9316
facility as indicated in the department's or agency's records. If 9317
it is hand delivered, it shall be delivered to a person at the 9318
facility who would appear to the average prudent person to have 9319
authority to accept it. 9320

Delivery of written notice by a nursing facility to the 9321
department of health, the department of medicaid, or a contracting 9322
agency under sections 5165.60 to 5165.89 of the Revised Code shall 9323

be by certified mail ~~or~~, hand delivery, or other means reasonably 9324
calculated to provide prompt actual notice to the appropriate 9325
 department or the agency. 9326

Sec. 5166.303. A home care attendant shall do all of the 9327
 following: 9328

(A) Maintain a clinical record for each consumer to whom the 9329
 attendant provides home care attendant services in a manner that 9330
 protects the consumer's privacy; 9331

(B) Participate in a face-to-face visit every ninety days 9332
 with all of the following to monitor the health and welfare of 9333
 each of the consumers to whom the attendant provides home care 9334
 attendant services: 9335

(1) The consumer; 9336

(2) The consumer's authorized representative, if any; 9337

(3) A registered nurse who agrees to answer any questions 9338
 that the attendant, consumer, or authorized representative has 9339
 about consumer care needs, medications, and other issues. 9340

(C) Document the activities of each visit required by 9341
 division (B) of this section in the consumer's clinical record 9342
 with the assistance of the registered nurse. 9343

(D) The face-to-face visit requirement in division (B) of 9344
this section may be satisfied by telephone or electronically if 9345
permitted by rules adopted under section 5166.02 of the Revised 9346
Code. 9347

Sec. 5168.08. (A) Before or during each program year, the 9348
 department of medicaid shall ~~mail~~ issue to each hospital ~~by~~ 9349
~~certified mail, return receipt requested,~~ the preliminary 9350

determination of the amount that the hospital is assessed under 9351
 section 5168.06 of the Revised Code during the program year. The 9352
 preliminary determination of a hospital's assessment shall be 9353
 calculated for a cost-reporting period that is specified in rules 9354
 adopted under section 5168.02 of the Revised Code. 9355

The department shall consult with hospitals each year when 9356
 determining the date on which it will ~~mail~~ issue the preliminary 9357
 determinations in order to minimize hospitals' cash flow 9358
 difficulties. 9359

If no hospital submits a request for reconsideration under 9360
 division (B) of this section, the preliminary determination 9361
 constitutes the final reconciliation of each hospital's assessment 9362
 under section 5168.06 of the Revised Code. The final 9363
 reconciliation is subject to adjustments under division (D) of 9364
 this section. 9365

(B) Not later than fourteen days after the preliminary 9366
 determinations are ~~mailed~~ issued, any hospital may submit to the 9367
 department a written request to reconsider the preliminary 9368
 determinations. The request shall be accompanied by written 9369
 materials setting forth the basis for the reconsideration. If one 9370
 or more hospitals submit a request, the department shall hold a 9371
 public hearing not later than thirty days after the preliminary 9372
 determinations are ~~mailed~~ issued to reconsider the preliminary 9373
 determinations. The department shall ~~mail~~ issue to each hospital a 9374
 written notice of the date, time, and place of the hearing at 9375
 least ten days prior to the hearing. On the basis of the evidence 9376
 submitted to the department or presented at the public hearing, 9377
 the department shall reconsider and may adjust the preliminary 9378
 determinations. The result of the reconsideration is the final 9379
 reconciliation of the hospital's assessment under section 5168.06 9380
 of the Revised Code. The final reconciliation is subject to 9381

adjustments under division (D) of this section. 9382

(C) The department shall ~~mail~~ issue to each hospital a 9383
 written notice of its assessment for the program year under the 9384
 final reconciliation. A hospital may appeal the final 9385
 reconciliation of its assessment to the court of common pleas of 9386
 Franklin county. While a judicial appeal is pending, the hospital 9387
 shall pay, in accordance with the schedules required by division 9388
 (B) of section 5168.06 of the Revised Code, any amount of its 9389
 assessment that is not in dispute into the hospital care assurance 9390
 program fund created in section 5168.11 of the Revised Code. 9391

(D) In the course of any program year, the department may 9392
 adjust the assessment rate or rates established in rules pursuant 9393
 to section 5168.06 of the Revised Code or adjust the amounts of 9394
 intergovernmental transfers required under section 5168.07 of the 9395
 Revised Code and, as a result of the adjustment, adjust each 9396
 hospital's assessment and intergovernmental transfer, to reflect 9397
 refinements made by the United States centers for medicare and 9398
 medicaid services during that program year to the limits it 9399
 prescribed under the "Social Security Act," section 1923(f), 42 9400
 U.S.C. 1396r-4(f). When adjusted, the assessment rate or rates 9401
 must comply with division (A) of section 5168.06 of the Revised 9402
 Code. An adjusted intergovernmental transfer must comply with 9403
 division (A) of section 5168.07 of the Revised Code. The 9404
 department shall notify hospitals of adjustments made under this 9405
 division and adjust for the remainder of the program year the 9406
 installments paid by hospitals under sections 5168.06 and 5168.07 9407
 of the Revised Code in accordance with rules adopted under section 9408
 5168.02 of the Revised Code. 9409

Sec. 5168.22. (A) Before or during each assessment program 9410
 year, the department of medicaid shall ~~mail~~ issue to each hospital 9411

by certified mail, return receipt requested, the preliminary 9412
determination of the amount that the hospital is assessed under 9413
section 5168.21 of the Revised Code for the assessment program 9414
year. Except as provided in division (B) of this section, the 9415
preliminary determination becomes the final determination for the 9416
assessment program year fifteen days after the preliminary 9417
determination is ~~mailed~~ issued to the hospital. 9418

(B) A hospital may request that the department reconsider the 9419
preliminary determination ~~mailed~~ issued to the hospital under 9420
division (A) of this section by submitting to the department a 9421
written request for a reconsideration not later than fourteen days 9422
after the hospital's preliminary determination is ~~mailed~~ issued to 9423
the hospital. The request must be accompanied by written materials 9424
setting forth the basis for the reconsideration. On receipt of the 9425
timely request, the department shall reconsider the preliminary 9426
determination and may adjust the preliminary determination on the 9427
basis of the written materials accompanying the request. The 9428
result of the reconsideration is the final determination of the 9429
hospital's assessment under section 5168.21 of the Revised Code 9430
for the assessment program year. 9431

(C) The department shall ~~mail~~ issue to each hospital a 9432
written notice of the final determination of its assessment for 9433
the assessment program year. A hospital may appeal the final 9434
determination to the court of common pleas of Franklin county. 9435
While a judicial appeal is pending, the hospital shall pay, in 9436
accordance with section 5168.23 of the Revised Code, any amount of 9437
its assessment that is not in dispute. 9438

Sec. 5168.23. Each hospital shall pay the amount it is 9439
assessed under section 5168.21 of the Revised Code in accordance 9440

with a payment schedule the department of medicaid shall establish 9441
 for each assessment program year. The department shall consult 9442
 with the Ohio hospital association before establishing the payment 9443
 schedule for any assessment program year. The department shall 9444
 include the payment schedule in each preliminary determination 9445
 notice the department ~~maile~~ issues to hospitals under division (A) 9446
 of section 5168.22 of the Revised Code. 9447

Sec. 5525.01. Before entering into a contract, the director 9448
 of transportation ~~shall~~ may advertise for bids for two consecutive 9449
 weeks in one newspaper of general circulation published in the 9450
 county in which the improvement or part thereof is located, but if 9451
 there is no such newspaper then in one newspaper having general 9452
 circulation in an adjacent county. In the alternative, the 9453
 director may advertise for bids as provided in section 7.16 of the 9454
 Revised Code. The director ~~may~~ shall advertise for bids in such 9455
 other publications as the director considers advisable. Such 9456
 notices shall state that plans and specifications for the 9457
 improvement are on file in the office of the director and the 9458
 district deputy director of the district in which the improvement 9459
 or part thereof is located and the time within which bids therefor 9460
 will be received. 9461

Each bidder shall be required to file with the bidder's bid a 9462
 bid guaranty in the form of a certified check, a cashier's check, 9463
 or an electronic funds transfer to the treasurer of state that is 9464
 evidenced by a receipt or by a certification to the director of 9465
 transportation in a form prescribed by the director that an 9466
 electronic funds transfer has been made to the treasurer of state, 9467
 for an amount equal to five per cent of the bidder's bid, but in 9468
 no event more than fifty thousand dollars, or a bid bond for ten 9469
 per cent of the bidder's bid, payable to the director, which 9470

check, transferred sum, or bond shall be forthwith returned to the
bidder in case the contract is awarded to another bidder, or, in
case of a successful bidder, when the bidder has entered into a
contract and furnished the bonds required by section 5525.16 of
the Revised Code. In the event the contract is awarded to a
bidder, and the bidder fails or refuses to furnish the bonds as
required by section 5525.16 of the Revised Code, the check,
transferred sum, or bid bond filed with the bidder's bid shall be
forfeited as liquidated damages. No bidder shall be required
either to file a signed contract with the bidder's bid, to enter
into a contract, or to furnish the contract performance bond and
the payment bond required by that section until the bids have been
opened and the bidder has been notified by the director that the
bidder is awarded the contract.

The director shall permit a bidder to withdraw the bidder's
bid from consideration, without forfeiture of the check,
transferred sum, or bid bond filed with the bid, providing a
written request together with a sworn statement of the grounds for
such withdrawal is delivered within forty-eight hours after the
time established for the receipt of bids, and if the price bid was
substantially lower than the other bids, providing the bid was
submitted in good faith, and the reason for the price bid being
substantially lower was a clerical mistake evident on the face of
the bid, as opposed to a judgment mistake, and was actually due to
an unintentional and substantial arithmetic error or an
unintentional omission of a substantial quantity of work, labor,
or material made directly in the compilation of the bid. In the
event the director decides the conditions for withdrawal have not
been met, the director may award the contract to such bidder. If
such bidder does not then enter into a contract and furnish the
contract bond as required by law, the director may declare

forfeited the check, transferred sum, or bid bond as liquidated 9502
damages and award the contract to the next higher bidder or reject 9503
the remaining bids and readvertise the project for bids. Such 9504
bidder, within thirty days, may appeal the decision of the 9505
director to the court of common pleas of Franklin county and the 9506
court may affirm or reverse the decision of the director and may 9507
order the director to refund the amount of the forfeiture. At the 9508
hearing before the common pleas court evidence may be introduced 9509
for and against the decision of the director. The decision of the 9510
common pleas court may be appealed as in other cases. 9511

There is hereby created the ODOT letting fund, which shall be 9512
in the custody of the treasurer of state but shall not be part of 9513
the state treasury. All certified checks and cashiers' checks 9514
received with bidders' bids, and all sums transferred to the 9515
treasurer of state by electronic funds transfer in connection with 9516
bidders' bids, under this section shall be credited to the fund. 9517
All such bid guaranties shall be held in the fund until a 9518
determination is made as to the final disposition of the money. If 9519
the department determines that any such bid guaranty is no longer 9520
required to be held, the amount of the bid guaranty shall be 9521
returned to the appropriate bidder. If the department determines 9522
that a bid guaranty under this section shall be forfeited, the 9523
amount of the bid guaranty shall be transferred or, in the case of 9524
money paid on a forfeited bond, deposited into the state treasury, 9525
to the credit of the highway operating fund. Any investment 9526
earnings of the ODOT letting fund shall be distributed as the 9527
treasurer of state considers appropriate. 9528

The director shall require all bidders to furnish the 9529
director, upon such forms as the director may prescribe, detailed 9530
information with respect to all pending work of the bidder, 9531
whether with the department of transportation or otherwise, 9532

together with such other information as the director considers 9533
necessary. 9534

In the event a bidder fails to submit anything required to be 9535
submitted with the bid and then fails or refuses to so submit such 9536
at the request of the director, the failure or refusal constitutes 9537
grounds for the director, in the director's discretion, to declare 9538
as forfeited the bid guaranty submitted with the bid. 9539

The director may reject any or all bids. Except in regard to 9540
contracts for environmental remediation and specialty work for 9541
which there are no classes of work set out in the rules adopted by 9542
the director, if the director awards the contract, the director 9543
shall award it to the lowest competent and responsible bidder as 9544
defined by rules adopted by the director under section 5525.05 of 9545
the Revised Code, who is qualified to bid under sections 5525.02 9546
to 5525.09 of the Revised Code. In regard to contracts for 9547
environmental remediation and specialty work for which there are 9548
no classes of work set out in the rules adopted by the director, 9549
the director shall competitively bid the projects in accordance 9550
with this chapter and shall award the contracts to the lowest and 9551
best bidder. 9552

The award for all projects competitively let by the director 9553
under this section shall be made within ten days after the date on 9554
which the bids are opened, and the successful bidder shall enter 9555
into a contract and furnish a contract performance bond and a 9556
payment bond, as provided for in section 5525.16 of the Revised 9557
Code, within ten days after the bidder is notified that the bidder 9558
has been awarded the contract. 9559

The director may insert in any contract awarded under this 9560
chapter a clause providing for value engineering change proposals, 9561
under which a contractor who has been awarded a contract may 9562

propose a change in the plans and specifications of the project 9563
that saves the department time or money on the project without 9564
impairing any of the essential functions and characteristics of 9565
the project such as service life, reliability, economy of 9566
operation, ease of maintenance, safety, and necessary standardized 9567
features. If the director adopts the value engineering proposal, 9568
the savings from the proposal shall be divided between the 9569
department and the contractor according to guidelines established 9570
by the director, provided that the contractor shall receive at 9571
least fifty per cent of the savings from the proposal. The 9572
adoption of a value engineering proposal does not invalidate the 9573
award of the contract or require the director to rebid the 9574
project. 9575

Sec. 5709.83. (A) Except as otherwise provided in division 9576
(B) or (C) of this section, prior to taking formal action to adopt 9577
or enter into any instrument granting a tax exemption under 9578
section 725.02, 1728.06, 5709.40, 5709.41, 5709.45, 5709.62, 9579
5709.63, 5709.632, 5709.73, 5709.78, 5709.84, or 5709.88 of the 9580
Revised Code or formally approving an agreement under section 9581
3735.671 of the Revised Code, or prior to forwarding an 9582
application for a tax exemption for residential property under 9583
section 3735.67 of the Revised Code to the county auditor, the 9584
legislative authority of the political subdivision or housing 9585
officer shall notify the board of education of each city, local, 9586
exempted village, or joint vocational school district in which the 9587
proposed tax-exempted property is located. The notice shall 9588
include a copy of the instrument or application. The notice shall 9589
be delivered not later than fourteen days prior to the day the 9590
legislative authority takes formal action to adopt or enter into 9591
the instrument, or not later than fourteen days prior to the day 9592

the housing officer forwards the application to the county auditor. If the board of education comments on the instrument or application to the legislative authority or housing officer, the legislative authority or housing officer shall consider the comments. If the board of education of the city, local, exempted village, or joint vocational school district so requests, the legislative authority or the housing officer shall meet ~~in person~~ with a representative designated by the board of education to discuss the terms of the instrument or application.

(B) The notice otherwise required to be provided to boards of education under division (A) of this section is not required if the board has adopted a resolution waiving its right to receive such notices, and that resolution remains in effect. If a board of education adopts such a resolution, the board shall cause a copy of the resolution to be certified to the legislative authority. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the legislative authority. A board of education may adopt such a resolution with respect to any one or more counties, townships, or municipal corporations situated in whole or in part within the school district.

(C) If a legislative authority is required to provide notice to a city, local, or exempted village school district of its intent to adopt or enter into any instrument granting a tax exemption as required by section 3735.671, 5709.40, 5709.41, 5709.45, 5709.62, 5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code, the legislative authority, before adopting a resolution or ordinance or entering into an agreement under that section, shall notify the board of education of each joint vocational school district in which the property to be exempted is located using the same time requirements for the notice that

applies to notices to city, local, and exempted village school 9623
 districts. The content of the notice and procedures for responding 9624
 to the notice are the same as required in division (A) of this 9625
 section. 9626

Sec. 5736.041. The tax commissioner shall prepare and 9627
 maintain a list of suppliers holding a license issued under 9628
 section 5736.06 of the Revised Code that has not been revoked or 9629
 canceled under section 5736.07 of the Revised Code. The list shall 9630
 contain the names and addresses of all such suppliers and each 9631
 supplier's account number for the tax imposed under section 9632
 5736.02 of the Revised Code. ~~The list shall be open to public~~ 9633
~~inspection in the office of the commissioner.~~ The commissioner ~~may~~ 9634
shall post the list on the department of taxation's web site. 9635

Sec. 5751.40. (A) As used in this section and division 9636
 (F)(2)(z) of section 5751.01 of the Revised Code: 9637

(1) "Qualifying distribution center receipts" means receipts 9638
 of a supplier from qualified property that is delivered to a 9639
 qualified distribution center, multiplied by a quantity that 9640
 equals one minus the Ohio delivery percentage. If the qualified 9641
 distribution center is a refining facility, "supplier" includes 9642
 all dealers, brokers, processors, sellers, vendors, cosigners, and 9643
 distributors of qualified property. 9644

(2) "Qualified property" means tangible personal property 9645
 delivered to a qualified distribution center that is shipped to 9646
 that qualified distribution center solely for further shipping by 9647
 the qualified distribution center to another location in this 9648
 state or elsewhere or, in the case of gold, silver, platinum, or 9649
 palladium delivered to a refining facility solely for refining to 9650
 a grade and fineness acceptable for delivery to a registered 9651

commodities exchange. "Further shipping" includes storing and 9652
repackaging property into smaller or larger bundles, so long as 9653
the property is not subject to further manufacturing or 9654
processing. "Refining" is limited to extracting impurities from 9655
gold, silver, platinum, or palladium through smelting or some 9656
other process at a refining facility. 9657

(3) "Qualified distribution center" means a warehouse, a 9658
facility similar to a warehouse, or a refining facility in this 9659
state that, for the qualifying year, is operated by a person that 9660
is not part of a combined taxpayer group and that has a qualifying 9661
certificate. All warehouses or facilities similar to warehouses 9662
that are operated by persons in the same taxpayer group and that 9663
are located within one mile of each other shall be treated as one 9664
qualified distribution center. All refining facilities that are 9665
operated by persons in the same taxpayer group and that are 9666
located in the same or adjacent counties may be treated as one 9667
qualified distribution center. 9668

(4) "Qualifying year" means the calendar year to which the 9669
qualifying certificate applies. 9670

(5) "Qualifying period" means the period of the first day of 9671
July of the second year preceding the qualifying year through the 9672
thirtieth day of June of the year preceding the qualifying year. 9673

(6) "Qualifying certificate" means the certificate issued by 9674
the tax commissioner after the operator of a distribution center 9675
files an annual application with the commissioner under division 9676
(B) of this section. 9677

(7) "Ohio delivery percentage" means the proportion of the 9678
total property delivered to a destination inside Ohio from the 9679
qualified distribution center during the qualifying period 9680
compared with total deliveries from such distribution center 9681

everywhere during the qualifying period. 9682

(8) "Refining facility" means one or more buildings located 9683
 in a county in the Appalachian region of this state as defined by 9684
 section 107.21 of the Revised Code and utilized for refining or 9685
 smelting gold, silver, platinum, or palladium to a grade and 9686
 fineness acceptable for delivery to a registered commodities 9687
 exchange. 9688

(9) "Registered commodities exchange" means a board of trade, 9689
 such as New York mercantile exchange, inc. or commodity exchange, 9690
 inc., designated as a contract market by the commodity futures 9691
 trading commission under the "Commodity Exchange Act," 7 U.S.C. 1 9692
 et seq., as amended. 9693

(10) "Ineligible operator's supplier tax liability" means an 9694
 amount equal to the tax liability of all suppliers of a 9695
 distribution center had the distribution center not been issued a 9696
 qualifying certificate for the qualifying year. Ineligible 9697
 operator's supplier tax liability shall not include interest or 9698
 penalties. 9699

(B) For purposes of division (B) of this section, "supplier" 9700
 excludes any person that is part of the consolidated elected 9701
 taxpayer group, if applicable, of the operator of the qualified 9702
 distribution center. 9703

(1) An application for a qualifying certificate to be a 9704
 qualified distribution center shall be filed, and an annual fee 9705
 paid, for each qualified distribution center on or before the 9706
 first day of September before the qualifying year or within 9707
 forty-five days after the distribution center opens, whichever is 9708
 later. The applicant must substantiate to the commissioner's 9709
 satisfaction that, for the qualifying period, all persons 9710
 operating the distribution center have more than fifty per cent of 9711

the cost of the qualified property shipped to a location such that 9712
it would be situated outside this state under the provisions of 9713
division (E) of section 5751.033 of the Revised Code. The 9714
applicant must also substantiate that the distribution center 9715
cumulatively had costs from its suppliers equal to or exceeding 9716
five hundred million dollars during the qualifying period. 9717

The commissioner may require an applicant to have an 9718
independent certified public accountant certify that the 9719
calculation of the minimum thresholds required for a qualified 9720
distribution center by the operator of a distribution center has 9721
been made in accordance with generally accepted accounting 9722
principles. The commissioner shall issue or deny the issuance of a 9723
certificate within sixty days after the receipt of the 9724
application. A denial is subject to appeal under section 5717.02 9725
of the Revised Code. If the operator files a timely appeal under 9726
section 5717.02 of the Revised Code, the operator shall be granted 9727
a qualifying certificate effective for the remainder of the 9728
qualifying year or until the appeal is finalized, whichever is 9729
earlier. If the operator does not prevail in the appeal, the 9730
operator shall pay the ineligible operator's supplier tax 9731
liability. 9732

(2) If the distribution center is new and was not open for 9733
the entire qualifying period, the operator of the distribution 9734
center may request that the commissioner grant a qualifying 9735
certificate. If the certificate is granted and it is later 9736
determined that more than fifty per cent of the qualified property 9737
during that year was not shipped to a location such that it would 9738
be situated outside of this state under the provisions of division 9739
(E) of section 5751.033 of the Revised Code or if it is later 9740
determined that the person that operates the distribution center 9741
had average monthly costs from its suppliers of less than forty 9742

million dollars during that year, then the operator of the 9743
distribution center shall pay the ineligible operator's supplier 9744
tax liability. 9745

(3) The commissioner may grant a qualifying certificate to a 9746
distribution center that does not qualify as a qualified 9747
distribution center for an entire qualifying period if the 9748
operator of the distribution center demonstrates that the business 9749
operations of the distribution center have changed or will change 9750
such that the distribution center will qualify as a qualified 9751
distribution center within thirty-six months after the date the 9752
operator first applies for a certificate. If, at the end of that 9753
thirty-six-month period, the business operations of the 9754
distribution center have not changed such that the distribution 9755
center qualifies as a qualified distribution center, the operator 9756
of the distribution center shall pay the ineligible operator's 9757
supplier tax liability for each year that the distribution center 9758
received a certificate but did not qualify as a qualified 9759
distribution center. For each year the distribution center 9760
receives a certificate under division (B)(3) of this section, the 9761
distribution center shall pay all applicable fees required under 9762
this section and shall submit an updated business plan showing the 9763
progress the distribution center made toward qualifying as a 9764
qualified distribution center during the preceding year. 9765

(4) An operator may appeal a determination under division 9766
(B)(2) or (3) of this section that the ineligible operator is 9767
liable for the operator's supplier tax liability as a result of 9768
not qualifying as a qualified distribution center, as provided in 9769
section 5717.02 of the Revised Code. 9770

(C)(1) When filing an application for a qualifying 9771
certificate under division (B)(1) of this section, the operator of 9772

a qualified distribution center also shall provide documentation, 9773
as the commissioner requires, for the commissioner to ascertain 9774
the Ohio delivery percentage. The commissioner, upon issuing the 9775
qualifying certificate, also shall certify the Ohio delivery 9776
percentage. The operator of the qualified distribution center may 9777
appeal the commissioner's certification of the Ohio delivery 9778
percentage in the same manner as an appeal is taken from the 9779
denial of a qualifying certificate under division (B)(1) of this 9780
section. 9781

(2) In the case where the distribution center is new and not 9782
open for the entire qualifying period, the operator shall make a 9783
good faith estimate of an Ohio delivery percentage for use by 9784
suppliers in their reports of taxable gross receipts for the 9785
remainder of the qualifying period. The operator of the facility 9786
shall disclose to the suppliers that such Ohio delivery percentage 9787
is an estimate and is subject to recalculation. By the due date of 9788
the next application for a qualifying certificate, the operator 9789
shall determine the actual Ohio delivery percentage for the 9790
estimated qualifying period and proceed as provided in division 9791
(C)(1) of this section with respect to the calculation and 9792
recalculation of the Ohio delivery percentage. The supplier is 9793
required to file, within sixty days after receiving notice from 9794
the operator of the qualified distribution center, amended reports 9795
for the impacted calendar quarter or quarters or calendar year, 9796
whichever the case may be. Any additional tax liability or tax 9797
overpayment shall be subject to interest but shall not be subject 9798
to the imposition of any penalty so long as the amended returns 9799
are timely filed. 9800

(3) The operator of a distribution center that receives a 9801
qualifying certificate under division (B)(3) of this section shall 9802
make a good faith estimate of the Ohio delivery percentage that 9803

the operator estimates will apply to the distribution center at 9804
the end of the thirty-six-month period after the operator first 9805
applied for a qualifying certificate under that division. The 9806
result of the estimate shall be multiplied by a factor of one and 9807
seventy-five one-hundredths. The product of that calculation shall 9808
be the Ohio delivery percentage used by suppliers in their reports 9809
of taxable gross receipts for each qualifying year that the 9810
distribution center receives a qualifying certificate under 9811
division (B)(3) of this section, except that, if the product is 9812
less than five per cent, the Ohio delivery percentage used shall 9813
be five per cent and that, if the product exceeds forty-nine per 9814
cent, the Ohio delivery percentage used shall be forty-nine per 9815
cent. 9816

(D) Qualifying certificates and Ohio delivery percentages 9817
issued by the commissioner shall be ~~open to public inspection and~~ 9818
~~shall be~~ timely published ~~by the commissioner on the department of~~ 9819
taxation's web site and shall be accessible on that web site for 9820
at least four years after the date of issuance. A supplier relying 9821
in good faith on a certificate issued under this section shall not 9822
be subject to tax on the qualifying distribution center receipts 9823
under this section and division (F)(2)(z) of section 5751.01 of 9824
the Revised Code. An operator receiving a qualifying certificate 9825
is liable for the ineligible operator's supplier tax liability for 9826
each year the operator received a certificate but did not qualify 9827
as a qualified distribution center. 9828

(E) The tax commissioner shall determine an ineligible 9829
operator's supplier tax liability based on information that the 9830
commissioner may request from the operator of the distribution 9831
center. An operator shall provide a list of all suppliers of the 9832
distribution center and the corresponding costs of qualified 9833
property for the qualifying year at issue within sixty days of a 9834

request by the commissioner under this division. 9835

(F) The annual fee for a qualifying certificate shall be one 9836
hundred thousand dollars for each qualified distribution center. 9837
If a qualifying certificate is not issued, the annual fee is 9838
subject to refund after the exhaustion of all appeals provided for 9839
in division (B)(1) of this section. The first one hundred thousand 9840
dollars of the annual application fees collected each calendar 9841
year shall be credited to the revenue enhancement fund. The 9842
remainder of the annual application fees collected shall be 9843
distributed in the same manner required under section 5751.20 of 9844
the Revised Code. 9845

(G) The tax commissioner may require that adequate security 9846
be posted by the operator of the distribution center on appeal 9847
when the commissioner disagrees that the applicant has met the 9848
minimum thresholds for a qualified distribution center as set 9849
forth in this section. 9850

Section 130.31. That existing sections 127.15, 173.03, 9851
753.19, 1121.38, 1509.06, 1513.071, 1513.08, 1513.16, 1565.12, 9852
1571.05, 1571.08, 1571.10, 1571.14, 1571.15, 1571.16, 1707.02, 9853
1707.04, 1707.042, 1707.091, 1707.11, 1707.43, 1733.16, 2941.401, 9854
3111.23, 3301.05, 3302.04, 3310.521, 3313.41, 3313.818, 3314.21, 9855
3319.081, 3319.11, 3319.16, 3319.291, 3319.311, 3321.13, 3321.21, 9856
3704.03, 3734.02, 3734.021, 3734.575, 3746.09, 3752.11, 3772.031, 9857
3772.04, 3772.11, 3772.12, 3772.13, 3772.131, 3781.08, 3781.11, 9858
3781.25, 3781.29, 3781.342, 3904.08, 4121.19, 4123.512, 4123.52, 9859
4125.03, 4141.09, 4141.47, 4167.10, 4301.17, 4301.30, 4303.24, 9860
4507.081, 4508.021, 4509.101, 4510.41, 4735.13, 4735.14, 5107.161, 9861
5120.14, 5165.193, 5165.86, 5166.303, 5168.08, 5168.22, 5168.23, 9862
5525.01, 5709.83, 5736.041, and 5751.40 of the Revised Code are 9863
hereby repealed. 9864

Section 130.32. That section 5123.195 of the Revised Code is 9865
hereby repealed. 9866

Section 130.33. The amendment by this act of sections 5168.22 9867
and 5168.23 of the Revised Code does not supersede the repeal of 9868
those sections on October 1, 2023, as prescribed by Section 610.20 9869
of H.B. 110 of the 134th General Assembly. 9870

The amendment by this act of section 5168.08 of the Revised 9871
Code does not supersede the repeal of that section on October 16, 9872
2023, as prescribed by Section 610.20 of H.B. 110 of the 134th 9873
General Assembly. 9874

Section 130.34. The General Assembly, applying the principle 9875
stated in division (B) of section 1.52 of the Revised Code that 9876
amendments are to be harmonized if reasonably capable of 9877
simultaneous operation, finds that the following sections, 9878
presented in this act as composites of the sections as amended by 9879
the acts indicated, are the resulting versions of the sections in 9880
effect prior to the effective date of the sections as presented in 9881
this act: 9882

Section 3302.04 of the Revised Code as amended by both H.B. 9883
82 and H.B. 110 of the 134th General Assembly. 9884

The version of section 3772.13 of the Revised Code that is 9885
scheduled to take effect December 29, 2023, as amended by both 9886
H.B. 509 and S.B. 131 of the 134th General Assembly. 9887

The version of section 3772.131 of the Revised Code that is 9888
scheduled to take effect December 29, 2023, as amended by both 9889
H.B. 509 and S.B. 131 of the 134th General Assembly. 9890

Section 4509.101 of the Revised Code as amended by both H.B. 9891

62 and H.B. 158 of the 133rd General Assembly. 9892

Section 130.35. That the versions of sections 3772.13 and 9893
 3772.131 of the Revised Code that are scheduled to take effect 9894
 December 29, 2023, be amended to read as follows: 9895

Sec. 3772.13. (A) No person may be employed as a key employee 9896
 of a casino operator, management company, or holding company 9897
 unless the person is the holder of a valid key employee license 9898
 issued by the commission. 9899

(B) No person may be employed as a key employee of a 9900
 gaming-related vendor unless that person is either the holder of a 9901
 valid key employee license issued by the commission, or the 9902
 person, at least five business days prior to the first day of 9903
 employment as a key employee, has filed a notification of 9904
 employment with the commission and subsequently files a completed 9905
 application for a key employee license within the first thirty 9906
 days of employment as a key employee. 9907

(C) Each applicant shall, before the issuance of any key 9908
 employee license, produce information, documentation, and 9909
 assurances as are required by this chapter and rules adopted 9910
 thereunder. In addition, each applicant shall, in writing, 9911
 authorize the examination of all bank accounts and records as may 9912
 be deemed necessary by the commission. 9913

(D) To be eligible for a key employee license, the applicant 9914
 shall be at least twenty-one years of age and shall meet the 9915
 criteria set forth by rule by the commission. 9916

(E) Each application for a key employee license shall be on a 9917
 form prescribed by the commission and shall contain all 9918
 information required by the commission. The applicant shall set 9919

forth in the application if the applicant has been issued prior 9920
gambling-related licenses; if the applicant has been licensed in 9921
any other state under any other name, and, if so, the name under 9922
which the license was issued and the applicant's age at the time 9923
the license was issued; any criminal conviction the applicant has 9924
had; and if a permit or license issued to the applicant in any 9925
other state has been suspended, restricted, or revoked, and, if 9926
so, the cause and the duration of each action. The applicant also 9927
shall complete a cover sheet for the application on which the 9928
applicant shall disclose the applicant's name, the business 9929
address of the casino operator, management company, holding 9930
company, or gaming-related vendor employing the applicant, the 9931
business address and telephone number of such employer, and the 9932
county, state, and country in which the applicant's residence is 9933
located. 9934

(F) Each applicant shall submit with each application, on a 9935
form provided by the commission, two sets of fingerprints. The 9936
commission shall charge each applicant an application fee set by 9937
the commission to cover all actual costs generated by each 9938
licensee and all background checks under this section and section 9939
3772.07 of the Revised Code. 9940

(G)(1) The casino operator, management company, or holding 9941
company by whom a person is employed as a key employee shall 9942
terminate the person's employment in any capacity requiring a 9943
license under this chapter and shall not in any manner permit the 9944
person to exercise a significant influence over the operation of a 9945
casino facility if: 9946

(a) The person does not apply for and receive a key employee 9947
license within three months of being issued a provisional license, 9948
as established under commission rule. 9949

(b) The person's application for a key employee license is 9950
denied by the commission. 9951

(c) The person's key employee license is revoked by the 9952
commission. 9953

The commission shall notify the casino operator, management 9954
company, or holding company who employs such a person by certified 9955
mail, personal service, common carrier service utilizing any form 9956
of delivery requiring a signed receipt or by an electronic means 9957
that provides evidence of delivery, of any such finding, denial, 9958
or revocation. 9959

(2) A casino operator, management company, or holding company 9960
shall not pay to a person whose employment is terminated under 9961
division (G)(1) of this section, any remuneration for any services 9962
performed in any capacity in which the person is required to be 9963
licensed, except for amounts due for services rendered before 9964
notice was received under that division. A contract or other 9965
agreement for personal services or for the conduct of any casino 9966
gaming at a casino facility between a casino operator, management 9967
company, or holding company and a person whose employment is 9968
terminated under division (G)(1) of this section may be terminated 9969
by the casino operator, management company, or holding company 9970
without further liability on the part of the casino operator, 9971
management company, or holding company. Any such contract or other 9972
agreement is deemed to include a term authorizing its termination 9973
without further liability on the part of the casino operator, 9974
management company, or holding company upon receiving notice under 9975
division (G)(1) of this section. That a contract or other 9976
agreement does not expressly include such a term is not a defense 9977
in any action brought to terminate the contract or other 9978
agreement, and is not grounds for relief in any action brought 9979

questioning termination of the contract or other agreement. 9980

(3) A casino operator, management company, or holding 9981
 company, without having obtained the prior approval of the 9982
 commission, shall not enter into any contract or other agreement 9983
 with a person who has been found unsuitable, who has been denied a 9984
 license, or whose license has been revoked under division (G)(1) 9985
 of this section, or with any business enterprise under the control 9986
 of such a person, after the date on which the casino operator, 9987
 management company, or holding company receives notice under that 9988
 division. 9989

(H) Notwithstanding the requirements for a license under this 9990
 section, the commission shall issue a key employee license in 9991
 accordance with Chapter 4796. of the Revised Code to an applicant 9992
 if either of the following applies: 9993

(1) The applicant holds a license in another state. 9994

(2) The applicant has satisfactory work experience, a 9995
 government certification, or a private certification as described 9996
 in that chapter as a key employee of a casino operator, management 9997
 company, or holding company in a state that does not issue that 9998
 license. 9999

Sec. 3772.131. (A) All casino gaming employees are required 10000
 to have a casino gaming employee license. "Casino gaming employee" 10001
 means the following and their supervisors: 10002

(1) Individuals involved in operating a casino gaming pit, 10003
 including dealers, shills, clerks, hosts, and junket 10004
 representatives; 10005

(2) Individuals involved in handling money, including 10006
 cashiers, change persons, count teams, and coin wrappers; 10007

(3) Individuals involved in operating casino games;	10008
(4) Individuals involved in operating and maintaining slot machines, including mechanics, floor persons, and change and payoff persons;	10009 10010 10011
(5) Individuals involved in security, including guards and game observers;	10012 10013
(6) Individuals with duties similar to those described in divisions (A)(1) to (5) of this section or other persons as the commission determines. "Casino gaming employee" does not include an individual whose duties are related solely to nongaming activities such as entertainment, hotel operation, maintenance, or preparing or serving food and beverages.	10014 10015 10016 10017 10018 10019
(B) The commission may issue a casino gaming employee license to an applicant after it has determined that the applicant is eligible for a license under rules adopted by the commission and paid any applicable fee. All applications shall be made under oath <u>certified as true</u> .	10020 10021 10022 10023 10024
(C) To be eligible for a casino gaming employee license, an applicant shall be at least twenty-one years of age.	10025 10026
(D) Each application for a casino gaming employee license shall be on a form prescribed by the commission and shall contain all information required by the commission. The applicant shall set forth in the application if the applicant has been issued prior gambling-related licenses; if the applicant has been licensed in any other state under any other name, and, if so, the name under which the license was issued and the applicant's age at the time the license was issued; any criminal conviction the applicant has had; and if a permit or license issued to the applicant in any other state has been suspended, restricted, or	10027 10028 10029 10030 10031 10032 10033 10034 10035 10036

revoked, and, if so, the cause and the duration of each action. 10037

(E) Each applicant shall submit with each application, on a 10038
 form provided by the commission, two sets of the applicant's 10039
 fingerprints. The commission shall charge each applicant an 10040
 application fee to cover all actual costs generated by each 10041
 licensee and all background checks. 10042

(F) Notwithstanding the requirements for a license under this 10043
 section, the commission shall issue a casino gaming employee 10044
 license in accordance with Chapter 4796. of the Revised Code to an 10045
 applicant if either of the following applies: 10046

(1) The applicant holds a license in another state. 10047

(2) The applicant has satisfactory work experience, a 10048
 government certification, or a private certification as described 10049
 in that chapter as a casino gaming employee in a state that does 10050
 not issue that license. 10051

Section 130.36. That the existing versions of sections 10052
 3772.13 and 3772.131 of the Revised Code that are scheduled to 10053
 take effect December 29, 2023, are hereby repealed. 10054

Section 130.37. Sections 130.35 and 130.36 of this act take 10055
 effect December 29, 2023." 10056

The motion was _____ agreed to.

SYNOPSIS

Storage and data notifications issued by state agencies 10057

R.C. 127.15, 173.03, 753.19, 1121.38, 1509.06, 1513.071, 10058
 1513.08, 1513.16, 1565.12, 1571.05, 1571.08, 1571.10, 1571.14, 10059

1571.15, 1571.16, 1707.02, 1707.04, 1707.042, 1707.091, 1707.11, 10060
 1707.43, 1733.16, 2941.401, 3111.23, 3301.05, 3302.04, 3310.521, 10061
 3313.41, 3313.818, 3314.21, 3319.081, 3319.11, 3319.16, 3319.291, 10062
 3319.311, 3321.13, 3321.21, 3704.03, 3734.02, 3734.021, 3734.575, 10063
 3746.09, 3752.11, 3772.031, 3772.04, 3772.11, 3772.12, 3772.13, 10064
 3772.131, 3781.08, 3781.11, 3781.25, 3781.29, 3781.342, 3904.08, 10065
 4121.19, 4123.512, 4123.52, 4125.03, 4141.09, 4141.47, 4167.10, 10066
 4301.17, 4301.30, 4303.24, 4507.081, 4508.021, 4509.101, 4510.03, 10067
 4510.41, 4735.13, 4735.14, 5107.161, 5120.14, 5165.193, 5165.86, 10068
 5166.303, 5168.08, 5168.22, 5168.23, 5525.01, 5709.83, 5736.041, 10069
 and 5751.40 (amended); R.C. 1509.031 and 3745.019 (enacted); R.C. 10070
 5123.195 (repealed) 10071

Makes changes throughout the Revised Code related to: 10072

- Notice requirements related to certain events or services. 10073
- Electronic submission to receive certain public services. 10074
- Data storage by state agencies. 10075

Makes changes throughout the Revised Code to permit certain 10076
 public entities to meet via electronic means. 10077

_____ moved to amend as follows:

- 1 In line 37772, delete "2022-2023" and insert "2023-2024"
- 2 In line 37773, delete "use" and insert "report"
- 3 In line 37774, delete all after "rate"
- 4 Delete lines 37775 through 37778
- 5 In line 37779, delete "adjusted cohort graduation rate on
- 6 the report card"

7 The motion was _____ agreed to.

8 SYNOPSIS

9 **Online report cards**

10 **R.C. 3302.0310**

11 Removes provisions of the Senate substitute bill requiring
12 the Department of Education and Workforce (DEW) to use an online
13 high school's modified graduation rate in lieu of the four-year
14 adjusted cohort graduation rate and report the four-year
15 adjusted cohort rate as data without an assigned performance
16 rating beginning with the report card for the 2022-2023 school
17 year.

18 Delays, by one year, a requirement of the Senate substitute
19 bill that requires DEW to report a school's modified graduation
20 rate as data without an assigned performance rating from
21 beginning with the report card 2022-2023 school year to the
22 2023-2024 school year.

_____ moved to amend as follows:

1 In line 39585, delete "As used in the section, "education""

2 Delete lines 39586 through 39589

3 In line 39590, delete "(B)"; delete "education"

4 In line 39591, delete "management information system" and
5 insert "department of education and workforce, in the manner
6 prescribed by the department,"

7 In line 39594, delete "(C)" and insert "(B)"

8 The motion was _____ agreed to.

9 SYNOPSIS

10 **Intradistrict enrollment**

11 **R.C. 3313.984**

12 Requires each school district to report to the Department
13 of Education and Workforce, rather than to the education
14 management information system (EMIS), the number of students who
15 attend a school building other than the one normally assigned.

_____ moved to amend as follows:

1 In line 232601, delete "\$0" and insert "\$270,000"

2 In line 232603, add \$270,000 to fiscal year 2024

3 In line 262608, add \$270,000 to fiscal year 2024

4 The motion was _____ agreed to.

5 SYNOPSIS

6 **State Veterinary Medical Licensing Board**

7 **Section 417.10**

8 Increases Fund 4K90 ALI 888603, Veterinary Student Debt
9 Assistance Program, by \$270,000 in FY 2024.

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 190 of the title, after "5747.53," insert "5747.75," 1

In line 764, after "5747.53," insert "5747.75," 2

After line 107096, insert: 3

"**Sec. 5747.75.** A nonrefundable credit is allowed against a 4
taxpayer's aggregate liability under section 5747.02 of the 5
Revised Code for taxpayers with one or more dependents who attend 6
a nonchartered nonpublic school. ~~To qualify for the credit, the 7~~
~~total federal adjusted gross income of the taxpayer and, if filing 8~~
~~a joint return, the taxpayer's spouse for the taxable year must be 9~~
~~less than one hundred thousand dollars.~~ The amount of the credit 10
shall equal the lesser of the total tuition paid by the taxpayer 11
and, if filing a joint return, the taxpayer's spouse during the 12
taxable year for all of the taxpayer's dependents to attend such a 13
school or the following amount, as applicable: 14

(A) If the taxpayer's or, if filing a joint return, the 15
taxpayer's and the taxpayer's spouses' total federal adjusted 16
gross income is less than fifty thousand dollars for the taxable 17
year, ~~five hundred~~ one thousand dollars; 18

(B) If the taxpayer's or, if filing a joint return, the 19
taxpayer's and the taxpayer's spouses' total federal adjusted 20

~~gross~~ income equals or exceeds fifty thousand dollars ~~but is less~~ 21
~~than one hundred thousand dollars for the taxable year, one~~ 22
 thousand five hundred dollars. 23

The credit shall be claimed in the order prescribed by 24
 section 5747.98 of the Revised Code." 25

In line 108902, after "5747.53," insert "5747.75," 26

After line 236002, insert: 27

"Section 803. . The amendment by this act of section 28
5747.75 of the Revised Code applies to taxable years ending on or 29
after the effective date of this section." 30

The motion was _____ agreed to.

SYNOPSIS

Income tax credit for nonchartered nonpublic school tuition 31

R.C. 5747.75; Section 803.____ 32

Modifies the nonrefundable income tax credit for tuition paid 33
 to a nonchartered, nonpublic school by removing the requirement 34
 that the taxpayer's and taxpayer's spouse's total income not 35
 exceed \$100,000 to qualify for the credit and by increasing the 36
 value of the credit from \$500 to \$1,000 for taxpayers with an 37
 income below \$50,000 and from \$1,000 to \$1,500 for taxpayers with 38
 an income at or above \$50,000. 39

_____ moved to amend as follows:

1 After line 222787a, insert:

2 "GRF 195406 Helping Ohioans \$7,000,000 \$4,000,000
3 Stay in their Homes"

4 In line 222800, add \$7,000,000 to fiscal year 2024 and
5 \$4,000,000 to fiscal year 2025

6 In line 222876, add \$7,000,000 to fiscal year 2024 and
7 \$4,000,000 to fiscal year 2025

8 After line 222912, insert:

9 "HELPING OHIOANS STAY IN THEIR HOMES

10 Of the foregoing appropriation item 195406, Helping Ohioans
11 Stay in their Homes, \$4,000,000 in each fiscal year shall be
12 provided to People Working Cooperatively for the Safe and
13 Healthy at Home Initiative. The funds shall be used to make
14 critical home modifications and emergency repairs for low-income
15 and elderly homeowners and for health care and housing
16 partnerships to address chronic housing related health care
17 issues.

18 Of the foregoing appropriation item 195406, Helping Ohioans
19 Stay in their Homes, \$3,000,000 in fiscal year 2024 shall be

SC3315X1

20 allocated to Cleveland Neighborhood Progress for the Middle
21 Neighborhood Investment Project."

22 In line 230244, delete "\$7,750,000 \$5,700,000" and insert
23 "\$3,750,000 \$1,700,000"

24 In line 230269, subtract \$4,000,000 from each fiscal year

25 In line 230295, subtract \$4,000,000 from each fiscal year

26 Delete lines 231291 through 231297

27 Reletter divisions accordingly

28 The motion was _____ agreed to.

29 SYNOPSIS

30 **Department of Development**

31 **Sections 259.10 and 259.20**

32 Appropriates \$7,000,000 in FY 2024 and \$4,000,000 in FY
33 2025 under GRF ALI 195406, Helping Ohioans Stay in their Homes,
34 and earmarks the following under the ALI: (1) \$4,000,000 in each
35 fiscal year for People Working Cooperatively for the Safe and
36 Healthy at Home Initiative and (2) \$3,000,000 in FY 2024 for
37 Cleveland Neighborhood Progress for the Middle Neighborhood
38 Investment Project.

39 **Department of Higher Education**

40 **Sections 381.10 and 381.410**

41 Decreases GRF ALI 235533, Program and Project Support, by
42 \$4,000,000 in each fiscal year and correspondingly removes the
43 earmark for the same amount under the ALI for People Working
44 Cooperatively for the Safe and Healthy at Home Initiative.

_____ moved to amend as follows:

1 In line 81679, delete "or" and insert an underlined comma

2 In line 81680, after "facility" insert ", or outpatient
3 health care facility"

4 The motion was _____ agreed to.

5 SYNOPSIS

6 **Supervision of general x-ray machine operators**

7 **R.C. 4773.06**

8 Modifies a Senate-added provision that permits general
9 x-ray machine operators to perform radiologic procedures under
10 the general supervision of a physician, podiatrist,
11 mechanotherapist, or chiropractor at an urgent care facility or
12 occupational health care facility by adding outpatient health
13 care facilities to the types of facilities where such general
14 supervision is permitted by the bill.

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

- In line 429 of the title, delete "3302.12," 1
- In line 440 of the title, after "3310.70," insert 2
"3311.054,"; after "3311.056," insert "3311.0510," 3
- In line 442 of the title, after "3311.218," insert "3311.29," 4
- In line 479 of the title, after "3316.042," insert 5
"3316.043," 6
- In line 480 of the title, after "3316.06," insert "3316.061," 7
- In line 35527, delete "state board's" 8
- In line 36313, delete "superintendent of public instruction" 9
and insert "director of education and workforce" 10
- In line 36546, delete "superintendent of public" 11
- In line 36547, delete "instruction" and insert "director of" 12
education and workforce" 13
- In line 36588, delete "superintendent of public instruction" 14
and insert "director of education and workforce" 15
- In line 36594, delete "superintendent of public instruction" 16
and insert "director of education and workforce" 17
- In line 36598, delete "superintendent" and insert "director" 18
- In line 36606, delete "state board of education" and insert 19

" <u>director of education and workforce</u> "	20
In line 36609, delete " <u>education's</u> " and insert " <u>education and workforce's</u> "	21
	22
In line 36612, after " <u>education</u> " insert " <u>and workforce</u> "	23
In line 37759, after " <u>education</u> " insert " <u>and workforce</u> "	24
In line 37910, after " <u>education</u> " insert " <u>and workforce</u> "	25
In line 38804, after " <u>education</u> " insert " <u>and workforce</u> "	26
In line 39375, after " <u>education</u> " insert " <u>and workforce</u> "	27
In line 40859, after " <u>education</u> " insert " <u>and workforce</u> "	28
In line 40866, delete " <u>state board of education</u> " and insert " <u>director of education and workforce</u> "	29
	30
In line 40867, after " <u>board</u> " insert " <u>of education</u> "	31
In line 40873, delete " <u>state board</u> " and insert " <u>director</u> "	32
In line 40877, delete " <u>state board of education</u> " and insert " <u>director</u> "	33
	34
In line 40884, after " <u>education</u> " insert " <u>and workforce</u> "	35
In line 42092, after " <u>education</u> " insert " <u>and workforce</u> "	36
In line 44980, after " <u>education</u> " insert " <u>and workforce</u> "	37
In line 45260, after " <u>education</u> " insert " <u>and workforce</u> "	38
In line 45606, delete " <u>department of education</u> " and insert " <u>state board</u> "	39
	40
In line 45613, delete " <u>department</u> " and insert " <u>state board</u> "	41
In line 45614, delete " <u>department</u> " and insert " <u>state board</u> "	42
In line 45619, delete " <u>department</u> " and insert " <u>state board</u> "	43
In line 45626, delete " <u>department</u> " and insert " <u>state board</u> "	44

In line 45943, delete " <u>department of education</u> " and insert " <u>state superintendent</u> "	45 46
In line 45950, delete " <u>department</u> " and insert " <u>state superintendent</u> "	47 48
In line 45959, delete " <u>department</u> " and insert " <u>state superintendent</u> "	49 50
In line 45965, delete " <u>department-approved</u> "	51
In line 45966, after " <u>coaches</u> " insert " <u>approved by the state superintendent</u> "	52 53
In line 46311, delete " <u>department</u> " and insert " <u>state board</u> "	54
In line 46313, delete " <u>department</u> " and insert " <u>state board</u> "	55
In line 46315, delete " <u>department</u> " and insert " <u>state board</u> "	56
In line 46320, delete " <u>department</u> " and insert " <u>state board</u> "	57
In line 46322, delete " <u>department</u> " and insert " <u>state board</u> "	58
In line 46324, delete " <u>department</u> " and insert " <u>state board</u> "	59
In line 46325, delete " <u>department</u> " and insert " <u>state board</u> "	60
In line 46326, delete " <u>department</u> " and insert " <u>state board</u> "	61
In line 46541, after the first " <u>education</u> " insert " <u>and workforce</u> "	62 63
In line 46560, delete " <u>state superintendent</u> " and insert " <u>director of education and workforce</u> "	64 65
In line 47373, delete " <u>by the department of education</u> "	66
In line 47491, after " <u>education</u> " insert " <u>and workforce</u> "	67
In line 48304, after " <u>education</u> " insert " <u>and workforce</u> "	68
In line 158584, delete "3302.12,"	69

In line 158591, after "3310.70," insert "3311.054,"	70
In line 158592, after "3311.056," insert "3311.0510,"	71
In line 158593, after "3311.218," insert "3311.29,"	72
In line 158621, after "3316.042," insert "3316.043,"	73
In line 158622, after "3311.06," insert "3311.061,"	74
Delete lines 174933 through 175008	75
After line 177819, insert:	76
" Sec. 3311.054. (A) The initial members of any new governing	77
board of an educational service center established in accordance	78
with this section shall be all of the members of the governing	79
boards of the former educational service centers whose territory	80
comprises the new educational service center. The initial members	81
of any such governing board shall serve until the first Monday of	82
January immediately following the first election of governing	83
board members conducted under division (C) of this section.	84
Notwithstanding section 3313.11 of the Revised Code, that	85
section shall not apply to the filling of any vacancy among the	86
initial members of any governing board established in accordance	87
with this section. Any such vacancy shall be filled for the	88
remainder of the term by a majority vote of all the remaining	89
members of the governing board.	90
(B) Prior to the next first day of April in an odd-numbered	91
year that occurs at least ninety days after the date on which any	92
new governing board of an educational service center is initially	93
established in accordance with this section, the governing board	94
or, at the governing board's option, an executive committee of the	95
governing board appointed by the governing board shall do both of	96
the following:	97

(1) Designate the number of elected members comprising all 98
 subsequent governing boards of the educational service center, 99
 which number shall be an odd number not to exceed nine. 100

(2) Divide the educational service center into a number of 101
 subdistricts equal to the number of governing board members 102
 designated under division (B)(1) of this section and number the 103
 subdistricts. Each subdistrict shall be as nearly equal in 104
 population as possible and shall be composed of adjacent and 105
 compact territory. To the extent possible, each subdistrict shall 106
 be composed only of territory located in one county. In addition, 107
 the subdistricts shall be bounded as far as possible by 108
 corporation lines, streets, alleys, avenues, public grounds, 109
 canals, watercourses, ward boundaries, voting precinct boundaries, 110
 or school district boundaries. 111

If the new governing board fails to divide the territory of 112
 the educational service center in accordance with this division, 113
 the ~~superintendent of public instruction~~ director of education and 114
workforce shall establish the subdistricts within thirty days. 115

(C) At the next regular municipal election following the 116
 deadline for creation of the subdistricts of an educational 117
 service center under division (B) of this section, an entire new 118
 governing board shall be elected. All members of such governing 119
 board shall be elected from those subdistricts. 120

(D) Within ninety days after the official announcement of the 121
 results of each successive federal decennial census, each 122
 governing board of an educational service center established in 123
 accordance with this section shall redistrict the educational 124
 service center's territory into a number of subdistricts equal to 125
 the number of board members designated under division (B)(1) of 126
 this section and number the subdistricts. Each such redistricting 127

shall be done in accordance with the standards for subdistricts in 128
 division (B)(2) of this section. At the next regular municipal 129
 election following the announcement of the results of each such 130
 successive census, all elected governing board members shall again 131
 be elected from the subdistricts most recently created under this 132
 division. 133

If a governing board fails to redistrict the territory of its 134
 educational service center in accordance with this division, the 135
~~superintendent of public instruction~~ director of education and 136
workforce shall redistrict the service center within thirty days. 137

(E) All members elected pursuant to this section shall take 138
 office on the first Monday of January immediately following the 139
 election. Whenever all elected governing board members are elected 140
 at one election under division (C) or (D) of this section, the 141
 terms of each of the members elected from even-numbered 142
 subdistricts shall be for two years and the terms of each of the 143
 members elected from odd-numbered subdistricts shall be for four 144
 years. Thereafter, successors shall be elected for four-year terms 145
 in the same manner as is provided by law for the election of 146
 members of school boards except that any successor elected at a 147
 regular municipal election immediately preceding any election at 148
 which an entire new governing board is elected shall be elected 149
 for a two-year term." 150

After line 177858, insert: 151

"**Sec. 3311.0510.** (A) If all of the client school districts of 152
 an educational service center have terminated their agreements 153
 with the service center under division (D) of section 3313.843 of 154
 the Revised Code, upon the latest effective date of the 155
 terminations, the governing board of that service center shall be 156

abolished and such service center shall be dissolved by order of 157
the ~~superintendent of public instruction~~ director of education and 158
workforce. The ~~superintendent's~~ director's order shall provide for 159
the equitable division and disposition of the assets, property, 160
debts, and obligations of the service center among the school 161
districts that were client school districts of the service center 162
for the service center's last fiscal year of operation. The 163
~~superintendent's~~ director's order shall provide that the tax 164
duplicate of each of those school districts shall be bound for and 165
assume the district's equitable share of the outstanding 166
indebtedness of the service center. The ~~superintendent's~~ 167
director's order is final and is not appealable. 168

Immediately upon the abolishment of the service center 169
governing board pursuant to this section, the ~~superintendent of~~ 170
~~public instruction~~ director shall appoint a qualified individual 171
to administer the dissolution of the service center and to 172
implement the terms of the ~~superintendent's~~ director's dissolution 173
order. 174

Prior to distributing assets to any school district under 175
this section, but after paying in full other debts and obligations 176
of the service center under this section, the ~~superintendent of~~ 177
~~public instruction~~ director may assess against the remaining 178
assets of the service center the amount of the costs incurred by 179
the department of education and workforce in performing the 180
~~superintendent's~~ director's duties under this division, including 181
the fees, if any, owed to the individual appointed to administer 182
the ~~superintendent's~~ director's dissolution order. Any excess cost 183
incurred by the department under this division shall be divided 184
equitably among the school districts that were client school 185
districts of the service center for the service center's last 186

fiscal year of operation. Each district's share of that excess 187
 cost shall be bound against the tax duplicate of that district. 188

(B) A final audit of the former service center shall be 189
 performed in accordance with procedures established by the auditor 190
 of state. 191

(C) The public records of an educational service center that 192
 is dissolved under this section shall be transferred in accordance 193
 with this division. Public records maintained by the service 194
 center in connection with services provided by the service center 195
 to local school districts of which the territory of the service 196
 center is or previously was made up shall be transferred to each 197
 of the respective local school districts. Public records 198
 maintained by the service center in connection with services 199
 provided to client school districts shall be transferred to each 200
 of the respective client school districts. All other public 201
 records maintained by the service center at the time the service 202
 center ceases operations shall be transferred to the Ohio history 203
 connection for analysis and disposition by the Ohio history 204
 connection in its capacity as archives administrator for the state 205
 and its political subdivisions pursuant to division (C) of section 206
 149.30 and section 149.31 of the Revised Code. 207

(D) As used in this section, "client school district" means a 208
 city, exempted village, or local school district that has entered 209
 into an agreement under section 3313.843 or 3313.845 of the 210
 Revised Code to receive any services from an educational service 211
 center." 212

After line 178220, insert: 213

"**Sec. 3311.29.** (A) Except as provided under division (B), 214
 (C), or (D) of this section, no school district shall be created 215

and no school district shall exist which does not maintain within 216
 such district public schools consisting of grades kindergarten 217
 through twelve and any such existing school district not 218
 maintaining such schools shall be dissolved and its territory 219
 joined with another school district or districts by order of the 220
 state board of education if no agreement is made among the 221
 surrounding districts voluntarily, which order shall provide an 222
 equitable division of the funds, property, and indebtedness of the 223
 dissolved school district among the districts receiving its 224
 territory. The state board of education may authorize exceptions 225
 to school districts where topography, sparsity of population, and 226
 other factors make compliance impracticable. 227

The ~~superintendent of public instruction~~ director of 228
education and workforce is without authority to distribute funds 229
 under Chapter 3317. of the Revised Code to any school district 230
 that does not maintain schools with grades kindergarten through 231
 twelve and to which no exception has been granted by the state 232
 board of education. 233

(B) Division (A) of this section does not apply to any joint 234
 vocational school district or any cooperative education school 235
 district established pursuant to divisions (A) to (C) of section 236
 3311.52 of the Revised Code. 237

(C)(1)(a) Except as provided in division (C)(3) of this 238
 section, division (A) of this section does not apply to any 239
 cooperative education school district established pursuant to 240
 section 3311.521 of the Revised Code nor to the city, exempted 241
 village, or local school districts that have territory within such 242
 a cooperative education district. 243

(b) The cooperative district and each city, exempted village, 244
 or local district with territory within the cooperative district 245

shall maintain the grades that the resolution adopted or amended 246
 pursuant to section 3311.521 of the Revised Code specifies. 247

(2) Any cooperative education school district described under 248
 division (C)(1) of this section that fails to maintain the grades 249
 it is specified to operate shall be dissolved by order of the 250
 state board of education unless prior to such an order the 251
 cooperative district is dissolved pursuant to section 3311.54 of 252
 the Revised Code. Any such order shall provide for the equitable 253
 adjustment, division, and disposition of the assets, property, 254
 debts, and obligations of the district among each city, local, and 255
 exempted village school district whose territory is in the 256
 cooperative district and shall provide that the tax duplicate of 257
 each city, local, and exempted village school district whose 258
 territory is in the cooperative district shall be bound for and 259
 assume its share of the outstanding indebtedness of the 260
 cooperative district. 261

(3) If any city, exempted village, or local school district 262
 described under division (C)(1) of this section fails to maintain 263
 the grades it is specified to operate the cooperative district 264
 within which it has territory shall be dissolved in accordance 265
 with division (C)(2) of this section and upon that dissolution any 266
 city, exempted village, or local district failing to maintain 267
 grades kindergarten through twelve shall be subject to the 268
 provisions for dissolution in division (A) of this section. 269

(D) Division (A) of this section does not apply to any school 270
 district that is or has ever been subject to section 3302.10 of 271
 the Revised Code, as it exists on and after ~~the effective date of~~ 272
~~this amendment~~ October 15, 2015, and has had a majority of its 273
 schools reconstituted or closed under that section." 274

After line 192379, insert: 275

"**Sec. 3316.043.** Upon the approval by the ~~superintendent of~~ 276
~~public instruction~~ director of education and workforce of an 277
 initial financial plan under section 3316.04 of the Revised Code 278
 or a financial recovery plan under section 3316.06 of the Revised 279
 Code, the board of education of the school district for which the 280
 plan was approved shall revise the district's five-year projection 281
 of revenues and expenditures in accordance with rules adopted 282
 under section 5705.391 of the Revised Code so that the five-year 283
 projection is consistent with the financial plan or financial 284
 recovery plan. In the case of a school district declared to be in 285
 a state of fiscal emergency, the five-year projection shall be 286
 revised by the financial planning and supervision commission for 287
 that district." 288

After line 192621, insert: 289

"**Sec. 3316.061.** If any school district financial planning and 290
 supervision commission fails to submit to the ~~state superintendent~~ 291
~~of public instruction~~ director of education and workforce under 292
 section 3316.06 of the Revised Code a financial recovery plan that 293
 is acceptable to the ~~state superintendent~~ director of education 294
and workforce, or if the ~~state superintendent~~ director of 295
education and workforce and the director of budget and management 296
 find that a commission is not materially complying with the 297
 provisions of its financial recovery plan, the ~~state~~ 298
~~superintendent and the director~~ directors may jointly dissolve the 299
 financial planning and supervision commission and jointly appoint 300
 an individual to act as the fiscal arbitrator of the district. 301

When a financial planning and supervision commission is 303
 dissolved under this section, the commission ceases to exist and 304

the appointed fiscal arbitrator becomes the successor to the 305
 commission. A fiscal arbitrator appointed under this section has 306
 all of the rights, powers, and duties given by this chapter to the 307
 commission that the arbitrator succeeds. A reference in any 308
 statute, rule, contract, or other document to a school district 309
 financial planning and supervision commission is deemed to refer 310
 to a fiscal arbitrator appointed under this section. 311

Business commenced but not completed by a commission when it 312
 is dissolved under this section shall be completed by the 313
 appointed fiscal arbitrator with the same effect as if completed 314
 by the commission. No validation, cure, right, privilege, remedy, 315
 obligation, or liability is lost or impaired by reason of the 316
 dissolution of the commission and appointment of a fiscal 317
 arbitrator, but shall be administered by the arbitrator. 318

The ~~superintendent of public instruction~~ director of 319
education and workforce shall issue guidelines establishing the 320
 criteria that the ~~superintendent~~ directors will utilize in 321
 selecting qualified fiscal arbitrators under this section." 322

In line 219458, delete "3302.12," 323

In line 219465, after "3310.70," insert "3311.054," 324

In line 219466, after "3311.056," insert "3311.0510," 325

In line 219467, after "3311.218," insert "3311.29," 326

In line 219495, after "3316.042," insert "3316.043," 327

In line 219496, after "3316.06," insert "3316.061," 328

The motion was _____ agreed to.

SYNOPSIS

DEW transfer of powers regarding ESCs	329
R.C. 3311.054 and 3311.0510	330
Transfers from the Superintendent of Public Instruction to	331
the Director of Education and Workforce powers regarding the	332
dissolution of education service centers (ESCs) and the division	333
of the territory of certain ESCs into subdistricts.	334
Makes conforming changes to transfer from the Department of	335
Education and Workforce (DEW) to the State Board of Education	336
responsibilities related to criminal records checks for veterans	337
employed as unlicensed teachers.	338
Makes corrective changes regarding the transfer of	339
responsibilities from the state Superintendent to the Director	340
regarding school districts in fiscal distress.	341
Makes a corrective change to clarify the State Board of	342
Education retains to dissolve school districts for an inability to	343
maintain all grades K-12.	344
DEW conforming and corrective changes	345
R.C. 3301.0711, 3301.0714, 3301.0727, 3301.0731, 3301.85,	346
3302.0310, 3302.12, 3310.08, 3311.29, 3313.6028, 3313.901,	347
3314.381, 3314.382, 3316.043, 3316.061, 3317.019, 3317.163,	348
3317.26, 3319.0812, 3319.223, 3319.283, 3322.20, 3327.02,	349
3327.102, and 3333.129	350
Makes conforming and corrective changes to reflect the	351
renaming of the "Department of Education" as the "Department of	352
Education and Workforce" (DEW) and the transfer of powers from the	353
State Board of Education to DEW.	354

_____ moved to amend as follows:

1 After line 226892, insert:

2 "Of the foregoing appropriation item 600689, TANF Block
3 Grant, \$2,300,000 in fiscal year 2024 shall be provided, in
4 accordance with sections 5101.80 and 5101.801 of the Revised
5 Code, to Open Doors Academy to support out-of-school programs in
6 northeast Ohio, Lima, Sandusky, and Mansfield, and to support
7 other additional locations in the state."

8 The motion was _____ agreed to.

9 SYNOPSIS

10 **Department of Job and Family Services**

11 **Section 307.80**

12 Earmarks \$2,300,000 in FY 2024 in Fund 3V60 ALI 600689,
13 TANF Block Grant, for the Open Doors Academy.

_____ moved to amend as follows:

1 In line 32 of the title, delete "175.051,"

2 In line 282 of the title, after the semicolon insert "to
3 repeal section 175.051 of the Revised Code on January 1, 2024;"

4 In line 649, delete "175.051,"

5 In line 19183, delete "Governor's office of housing"

6 In line 19184, delete "transformation" and strike through
7 the balance of the line

8 Strike through lines 19185 and 19186

9 In line 19187, strike through "(I)"

10 In line 19191, strike through "(J)" and insert "(I)"

11 In line 19194, strike through "(K)" and insert "(J)"

12 In line 19197, strike through "(L)" and insert "(K)"

13 In line 19199, delete "(M)" and insert "(L)"

14 In line 19206, reinsert "(M)"; delete "(N)"

15 In line 19214, reinsert "(N)"; delete "(O)"

16 In line 19222, reinsert "(O)"; delete "(P)"

17 In line 19229, reinsert "(P)"; delete "(Q)"

18 In line 19232, reinsert "(Q)"; delete "(R)"

SC3337

19 In line 19234, reinsert "(R)"; delete "(S)"

20 In line 19238, reinsert "(S)"; delete "(T)"

21 In line 19246, reinsert "(T)"; delete "(U)"

22 In line 19371, strike through "The"; delete "governor's
23 office of"; strike through "housing"

24 In line 19372, delete "transformation"; strike through
25 "shall do"; delete "both"; strike through "of the following"

26 In line 19373, strike through "related to the"; delete
27 "office's"; strike through "operation:"

28 In line 19374, strike through "(1)"

29 In line 19384, strike through "Establish an operating
30 budget for the"; delete "office"; strike through "and"

31 In line 19385, strike through "administer funds
32 appropriated for the"; delete "office's"; strike through "use;"

33 In line 19386, delete "(2)"

34 In line 19387, after the first comma, insert "the
35 governor's office of housing transformation shall"

36 In line 19393, strike through "other than section 175.051
37 of the Revised Code"

38 In line 19465, delete "(a)"; strike through "Contract with
39 any private or government entity"

40 In line 19466, strike through "to administer programs for
41 which the"; delete "office"; strike through "receives"

SC3337

42 In line 19467, strike through "sufficient revenues for its
43 services or the"; delete "office"; strike through "supports"

44 In line 19468, strike through "with uncommitted"; delete
45 "office"; strike through "resources that pay the"

46 In line 19469, delete "office's"; strike through "operating
47 costs;"

48 In line 19470, strike through "(b)"

49 In line 19474, delete "(11)"; strike through
50 "Notwithstanding any other provision of the Revised"

51 Strike through line 179475

52 In line 19476, strike through "accounts as convenient or
53 appropriate to the"; delete "office's"

54 Strike through line 19477

55 In line 19478, delete "(12)"; strike through "Establish";
56 delete ", in consultation with the office of budget"

57 In line 19479, delete "and management,"; strike through "a
58 policy to permit the investment of"; delete "the"

59 In line 19480, delete "governor's office of housing
60 transformation's"; strike through "funds in securities"

61 Strike through line 19481

62 In line 19485, delete "(13)" and insert "(11)"

63 In line 19492, delete "(14)" and insert "(12)"

64 Delete lines 19504 through 19514

65 In line 19891, strike through ", which shall be"; strike
66 through "the custody of the treasurer"

67 In line 19892, strike through "of state but shall not be
68 part of"

69 In line 108787, delete "175.051,"

70 After line 108926, insert:

71 **"Section 105.____.** That section 175.051 of the Revised Code
72 is hereby repealed, effective January 1, 2024."

73 In line 234114, delete "175.051,"

74 The motion was _____ agreed to.

75 SYNOPSIS

76 **Housing finance agency funding and abilities**

77 **R.C. 175.01, 175.02, 175.05, 175.051 (future repeal);**
78 **Section 525.40.**

79 Removes the requirement that the governor's office of
80 housing transformation establish an operating budget and
81 administer funds for the office's use.

82 Removes the ability of the office to: contract with private
83 or government entities to administer the office's programs;
84 establish, maintain, administer, and close funds and accounts;
85 establish policy to permit the investment of the office's funds
86 in securities and obligations.

87 Repeals the housing finance agency's personal services fund
88 effective January 1, 2024.

89 Moves the housing development fund into the state treasury.

_____ moved to amend as follows:

1 In line 28894, delete "an" and insert "any"

2 The motion was _____ agreed to.

3 SYNOPSIS

4 **Park district renewal levy**

5 **R.C. 1545.21**

6 Specifies any existing levy may be renewed via the renewal
7 procedure for park district levies added by the House.

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 230244, delete "\$7,750,000 \$5,700,000" and insert 1
"\$8,000,000 \$5,950,000" 2

In line 230269, add \$250,000 to each fiscal year 3

In line 230295, add \$250,000 to each fiscal year 4

After line 231318, insert: 5

"(I)(1) Of the foregoing appropriation item 235533, Program 6
and Project Support, \$250,000 in each fiscal year shall be used by 7
the Chancellor of Higher Education, in collaboration with the Ohio 8
State University Cooperative Extension Services and Central State 9
University Cooperative Extension Services, to establish the Urban 10
Farmer Youth Initiative Pilot Program to provide relevant 11
programming and support with regard to farming and agriculture to 12
young people between the ages of six to eighteen living in urban 13
areas. 14

(2) The pilot program shall operate for fiscal years 2024 and 15
2025 and offer programming in at least two, but not more than 16
four, counties. 17

(3)(a) The Chancellor and the Ohio State University 18
Cooperative Extension Services and Central State University 19
Cooperative Extension Services may do both of the following: 20

(i) Use up to fifteen per cent of the amount appropriated for 21
 fiscal year 2024 for the pilot program to develop and establish 22
 the pilot program; 23

(ii) Partner with local entities to deliver programming for 24
 the pilot program. The Chancellor and the extension services may 25
 pay entities for services with funds appropriated for this 26
 program. 27

(b) Any appropriated funds may also be used to support 28
 existing agricultural organizations to help expand programming to 29
 include young people living in urban areas." 30

The motion was _____ agreed to.

SYNOPSIS

Department of Higher Education 31

Sections 381.10 and 381.410 32

Increases GRF ALI 235533, Program and Project Support, by 33
 \$250,000 in each fiscal year and earmarks the same amounts to be 34
 used by the Chancellor, in collaboration with OSU and CSU, to 35
 establish the Urban Farmer Youth Initiative Pilot Program to 36
 provide programming and support with regard to farming and 37
 agriculture to young people between the ages of six to eighteen 38
 living in urban areas. 39

_____ moved to amend as follows:

1 In line 8568, after the underlined period insert "The
2 department shall create and maintain a list of qualifying
3 residential property to which the deed restriction described in
4 division (D)(4) of this section, division (B)(4) of section
5 122.632, or division (C)(4) of section 122.633 of the Revised
6 Code applies. That list is not a public record for purposes of
7 section 149.43 of the Revised Code."

8 In line 8594, delete "and"; after the second underlined
9 comma insert "and not to rent any portion of the property to
10 another individual for use as a dwelling,"

11 In line 8609, after "program" insert ";

12 (h) Agree to annually certify to the director of
13 development or the director's designee, during the period
14 described by division (D)(2)(c) of this section, that the
15 individual or individuals own and occupy the qualifying
16 residential property, and that no part of the property is being
17 rented to another individual for use as a dwelling"

18 After line 8637, insert:

19 "(7) That the applicant shall report to the department of
20 development the date when the qualifying residential property
21 that is the subject of the application is sold by the
22 applicant."

23 In line 8707, delete "and"; after the second underlined
24 comma insert "and not to rent any portion of the property to
25 another individual for use as a dwelling,"

26 In line 8722, after "program" insert ";

27 (h) Agree to annually certify to the director of
28 development or the director's designee, during the period
29 described by division (B)(2)(c) of this section, that the
30 individual or individuals own and occupy the qualifying
31 residential property, and that no part of the property is being
32 rented to another individual for use as a dwelling"

33 In line 8746, after "(7)" insert "That the applicant shall
34 report to the department of development the date when the
35 qualifying residential property that is the subject of the
36 application is sold by the applicant.

37 (8)"

38 In line 8810, delete "and"; after the second underlined
39 comma insert "and not to rent any portion of the property to
40 another individual for use as a dwelling,"

41 In line 8827, after "program" insert ";

SC3357

68 occupies the property, and has not rented any part of it to
69 another individual for use as a residence.

70 - Requires a grant or tax credit recipient, i.e., a land
71 bank or developer, to report to DEV when a home that is awarded
72 the grant or tax credit is sold.

73 - Requires DEV to maintain a confidential list of homes
74 that are subject to the 20-year affordability deed restrictions
75 required as a condition of receiving a grant or tax credit.

_____ moved to amend as follows:

1 In line 232467, delete "\$125,000,000" and insert
2 "\$100,000,000"

3 In line 232468, subtract \$25,000,000 from fiscal year 2024

4 In line 232469, subtract \$25,000,000 from fiscal year 2024

5 In line 233840, delete "\$125,000,000" and insert
6 "\$100,000,000"

7 The motion was _____ agreed to.

8 SYNOPSIS

9 **Department of Transportation**

10 **Sections 411.10 and 513.10**

11 Reduces Fund 5ZP0 ALI 776505, by \$25,000,000 in FY 2024 to
12 \$100,000,000 and reduces the cash transfer from the FY 2023
13 ending GRF balance by the corresponding amount.

_____ moved to amend as follows:

1 After line 222997, insert:

2 "LOCAL DEVELOPMENT PROJECTS

3 An amount equal to the unexpended, unencumbered portion of
4 appropriation item 195503, Local Development Projects, used to
5 support Fulton County or Fulton County Land Reutilization
6 Corporation for a program to demolish vacant commercial,
7 industrial, or residential buildings located in Fulton County at
8 the end of fiscal year 2023 is hereby reappropriated in fiscal
9 year 2024."

10 The motion was _____ agreed to.

11 SYNOPSIS

12 **Department of Development**

13 **Section 259.20**

14 Reappropriates the available balance of GRF ALI 195503,
15 Local Development Projects, earmarked for Fulton County or
16 Fulton County Land Reutilization Corporation under H.B. 110 of
17 the 134th General Assembly to run a vacant commercial and
18 industrial buildings demolition program in that county remaining
19 at the end of FY 2023 for the same purpose in FY 2024. Also
20 makes vacant residential buildings in Fulton County eligible for
21 funding under the demolition program.

_____ moved to amend as follows:

1 In line 34739, strike through "entail any commitment or
2 pledge of state funds"; delete "other than"

3 In line 34740, delete "funds that have been credited to the
4 children's trust fund"; strike through ", nor"

5 The motion was _____ agreed to.

6 SYNOPSIS

7 **Children's Trust Fund Board's acceptance of federal funds**

8 **R.C. 3109.16**

9 Restores an Executive provision removed by the Senate
10 substitute bill that eliminates a requirement that the Board's
11 acceptance of federal or other funds must not require the state
12 to commit funds.

_____ moved to amend as follows:

1 After line 226708, insert:

2 "5DM0 600XXX Employment Incentive Program \$1,500,000
3 \$1,500,000"

4 In line 226713, add \$1,500,000 to each fiscal year

5 In line 226742, add \$1,500,000 to each fiscal year

6 After line 227235, insert:

7 **"Section 307.____.** EMPLOYMENT INCENTIVE PROGRAM

8 (A) Notwithstanding section 5101.073 of the Revised Code,
9 the foregoing appropriation item 600XXX, Employment Incentive
10 Program, shall be provided to county departments of job and
11 family services to operate employment incentive programs. As
12 part of these programs, a county department of job and family
13 services shall create individualized plans and incentives for
14 adults who are consistently increasing their wages and working
15 at least thirty-two hours a week.

16 (B) The individualized plans shall require participating
17 individuals to do both of the following:

18 (1) Complete financial literacy education;

19 (2) Submit a household budget to their county department of
20 job and family services' caseworker and update this household
21 budget at least every three months after the initial submission
22 while the individual is participating in a program.

23 (C) An individualized plan for each participating
24 individual shall cover a period of not more than eighteen
25 months.

26 (D) An individual may participate in an employment
27 incentive program only one time."

28 The motion was _____ agreed to.

29 SYNOPSIS

30 **Department of Job and Family Services**

31 **Sections 307.10 and 307.____**

32 Appropriates \$1,500,000 in each fiscal year in Fund 5DM0
33 ALI 600XXX, Employment Incentive Program. Requires these funds
34 be provided to CDJFSS to operate employment incentive programs.
35 Requires CDJFSS to create individualized plans and incentives
36 for adults who consistently increase their wages and who work at
37 least 32 hours per week.

38 Requires an individualized plan to require each
39 participating individual to complete financial literacy
40 education and to submit and update a household budget to their
41 caseworker at least every three months. Specifies that the
42 individualized plan for each participating individual can cover
43 a period of no longer than 18 months and an individual can only
44 participate in a program once.

_____ moved to amend as follows:

- 1 In line 235482, delete "and pension funds"
- 2 In line 235483, after the third comma insert "the"
- 3 In line 235484, after the comma insert "and the"
- 4 In line 235485, delete all after "Services"
- 5 Delete line 235486
- 6 In line 235487, delete all before the period
- 7 In line 235489, delete "and"
- 8 In line 235490, delete "pension fund"
- 9 In line 235503, delete "and pension funds"

10 The motion was _____ agreed to.

11 SYNOPSIS

12 **Statewide fraud analysis**

13 **Section 701.70**

14 Modifies a provision added in the Senate substitute bill,
15 regarding a statewide fraud analysis conducted by OBM, by
16 removing references to Ohio's pension funds and retirement
17 systems.

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 215 of the title, after "2329.313," insert 1
"3109.054," 2

In line 783, after "2329.313," insert "3109.054," 3

After line 34646, insert: 4

"Sec. 3109.054. (A) If a child is born to an unmarried woman 5
and the father of the child has acknowledged the child and that 6
acknowledgment has become final pursuant to section 2151.232, 7
3111.25, or 3111.821 of the Revised Code or has been determined in 8
an action under Chapter 3111. of the Revised Code to be the father 9
of the child, the court, upon its own motion or the motion of one 10
of the parties, may order the parents to undergo conciliation with 11
a magistrate in order to resolve any disputes regarding the 12
allocation of parental rights and responsibilities between the 13
parents in a case pending before the court. An order requiring 14
conciliation shall set forth the the name of the magistrate who 15
will serve as the conciliator and the manner in which the costs of 16
any conciliation procedures are to be paid. 17

(B) A magistrate who serves as a conciliator shall use 18
conciliation procedures to resolve a dispute regarding the 19
allocation of parental rights and responsibilities and, upon 20

resolution of the dispute, issue an order regarding the allocation 21
of parental rights and responsibilities, parenting time, or 22
companionship or visitation pursuant to section 2151.23, 3109.04, 23
or 3109.12 of the Revised Code. The conciliation procedures may 24
include without limitation the use of family counselors and 25
service agencies, community health services, physicians, licensed 26
psychologists, or clergy. If the magistrate orders the parties to 27
undergo family counseling, the magistrate shall name the counselor 28
and set forth the required type of counseling, the length of time 29
for the counseling, and any other specific conditions. No order 30
regarding the allocation of parental rights and responsibilities, 31
parenting time, or companionship or visitation shall be issued 32
until the conciliation has concluded and been reported to the 33
magistrate." 34

The motion was _____ agreed to.

SYNOPSIS

Resolve custody disputes between unmarried parents through 35
conciliation 36

R.C. 3109.054 37

Allows a court to order unmarried parents who are in a 38
 custody dispute to undergo conciliation with a magistrate. 39

Requires a magistrate to resolve disputes through 40
 conciliation procedures and, upon resolution, to issue an order 41
 regarding the allocation of parental rights and responsibilities, 42
 parenting time, or companionship or visitation. 43

Specifies that conciliation procedures may include the use of 44

family counselors and service agencies, community health services,
physicians, licensed psychologists, and clergy.

45

46

_____ moved to amend as follows:

1 In line 48035, after "~~one~~" insert "seven"; reinsert
2 "hundred"; after "~~ninety~~" insert "fifty"

3 In line 231417, delete "\$3,000" and insert "\$3,200"

4 In line 231419, delete "\$4,500" and insert "\$4,700"

5 In line 231421, delete "\$1,800" and insert "\$1,850"

6 In line 231437, after "thousand" insert "seven hundred
7 fifty"

8 After line 231484, insert:

9 "(F) No eligible institution that enrolls Ohio College
10 Opportunity Grant recipients shall make any change to its
11 scholarship or financial aid programs with the goal or net
12 effect of shifting the cost burden of those programs to the Ohio
13 College Opportunity Grant program.

14 Each eligible institution that enrolls Ohio College
15 Opportunity Grant recipients shall provide at least the same
16 level of needs-based financial aid to its students as it
17 provided in the immediately prior academic year in terms of
18 either the aggregate aid to all students or on a per student

19 basis. The Chancellor may grant an eligible institution a
20 temporary waiver from that requirement if the Chancellor
21 determines exceptional circumstances make it necessary. The
22 Chancellor shall determine the terms of the waiver."

23 The motion was _____ agreed to.

24 SYNOPSIS

25 **Ohio College Opportunity Grant Program (OCOG)**

26 **R.C. 3333.122; Section 381.490**

27 Modifies the Senate substitute version by increasing, from
28 an expected family contribution (EFC) of \$3,000 or less to
29 \$3,750 or less, the income eligibility threshold for an OCOG
30 award.

31 Prohibits an institution of higher education that enrolls
32 students participating in OCOG from making changes to its
33 scholarship or financial aid programs with the goal or net
34 effect of shifting the cost burden of those programs to OCOG.

35 Requires each institution to provide at least the same
36 level of needs-based financial aid to its students as in the
37 immediately prior academic year in terms of either aggregate aid
38 or on per student basis; and

39 Permits the Chancellor of Higher Education to grant an
40 institution a temporary waiver from the requirement to provide
41 the same level of needs-based financial aid if exceptional
42 circumstances make it necessary.

43 **Department of Higher Education**

44 **Section 381.490**

45 Increases FY 2024 OCOG award amounts as follows:

46 1. From \$3,000 to \$3,200 per student at a state institution
47 of higher education;

SC3405X2

48 2. From \$4,500 to \$4,700 per student at an eligible
49 nonprofit institution of higher education; and

50 3. From \$1,800 to \$1,850 per student at a private for-
51 profit career college or school.

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 599 of the title, after "207.14" insert ", 207.22,"			1
In line 601 of the title, after "213.10," insert "215.10,			2
215.15,"			3
In line 234299, after "213.10," insert "215.10, 215.15,"			4
After line 234371, insert:			5
"Sec. 215.10.			6
AGR DEPARTMENT OF AGRICULTURE			7
State Fiscal Recovery Fund (Fund 5CV3)			8
C70031 Animal Disease Laboratory	\$	71,730,000	9
TOTAL State Fiscal Recovery Fund	\$	71,730,000	10
Administrative Building Fund (Fund 7026)			11
C70007 Building and Grounds	\$	1,348,000	12
C70022 Agricultural Society Facilities	\$	7,289,000	13
		<u>7,389,000</u>	
C70023 Building #22 Laboratory Equipment	\$	320,000	14
C70030 Agriculture Equipment	\$	515,000	15
TOTAL Administrative Building Fund	\$	9,472,000	16
		<u>9,572,000</u>	
Clean Ohio Agricultural Easement Fund (Fund 7057)			17
C70009 Clean Ohio Agricultural Easement	\$	12,500,000	18

TOTAL Clean Ohio Agricultural Easement	\$ 12,500,000	19
TOTAL ALL FUNDS	\$ 93,702,000	20
	<u>93,802,000</u>	

Sec. 215.15. AGRICULTURAL SOCIETY FACILITIES 22

The foregoing appropriation item C70022, Agricultural Society 23
 Facilities, shall be used to support the projects listed in this 24
 section. 25

Project List 26

Butler County Fairgrounds Grandstands \$750,000 27

Henry County Community Event Center ~~\$500,000~~ 28
\$600,000

Knox County Fairgrounds Expo Center \$500,000 29

Mahoning County Agricultural Society: Canfield \$500,000 30
 Fair

Feichtner Family Memorial Barn \$450,000 31

Fairgrounds Multipurpose Facility - Warren County \$400,000 32

Montgomery County Fairgrounds Improvements \$400,000 33

Belmont Agricultural Center \$375,000 34

Allen County Fair Youth Show Arena \$310,000 35

Gallia County Fairground Relocation \$300,000 36

Guernsey Barn and Show Arena \$300,000 37

Perry County Agriculture Society Multi-Purpose \$300,000 38
 Building

Union County Fairgrounds \$290,000 39

Adams County Junior Fair Small Animal Facility \$250,000 40

Geauga County Fairgrounds Multipurpose Event \$250,000 41
 Center

Summit County Fairgrounds Improvements \$250,000 42

Harrison County Agricultural Society Horse Barn \$200,000 43

Richland County Agricultural Society Show Arena \$200,000 44

Brown County Junior Fair Horse Arena	\$150,000	45
Columbiana County Junior Fair Agriculture and Event Center	\$100,000	46
Scioto County Agriculture Society Improvements	\$100,000	47
Richwood Fairgrounds Restrooms	\$95,000	48
Highland County Agricultural Extension Relocation	\$75,000	49
Allen County Fair Multi-purpose Storage Building	\$60,000	50
Ashton Event Center	\$60,000	51
Auglaize County Fairgrounds: Piehl Family Parking Lot	\$50,000	52
Jackson County Fairgrounds Improvements-4H Building Project	\$40,000	53
Paulding County Fairgrounds Lighting	\$25,000	54
Trumbull County Agricultural and Family Education Center Repair	\$9,000"	55
In line 235013, after "213.10," insert "215.10, 215.15,"		56
In line 235146, after "207.14" insert ", 207.22,"		57
After line 235171, insert:		58
"Sec. 207.22.		59
NTC NORTHWEST STATE COMMUNITY COLLEGE		60
	Reappropriations	
Higher Education Improvement Taxable Fund (Fund 7024)		61
C38211 Workforce Based Training and Equipment - Taxable	\$200,366	62
TOTAL Higher Education Improvement Taxable Fund	\$200,366	63
Higher Education Improvement Fund (Fund 7034)		64
C38217 Napoleon Civic Center	\$100,000	65
C38219 Building B Renovations	\$4,706,239	66
C38220 Mercy College Learning Commons and	\$200,000	67

Classroom Expansion		
C38222 Cyber Disaster Recovery Site	\$100,000	68
C38223 Campus Safety Grant Program	\$174,779	69
TOTAL Higher Education Improvement Fund	\$5,281,018	70
	<u>\$5,181,018</u>	
TOTAL ALL FUNDS	\$5,481,384	71
	<u>\$5,381,384"</u>	
In line 235296, after "207.14" insert ", 207.22,"		72

The motion was _____ agreed to.

SYNOPSIS

Department of Agriculture		73
Section 610.10		74
Amends H.B. 687 of the 134th General Assembly to increase		75
capital appropriations for the FY 2023-FY2024 capital biennium		76
under Fund 7026, ALI C70022, Agricultural Society Facilities, by		77
\$100,000.		78
Increases an earmark under ALI C70022 for the Henry County		79
Community Event Center by \$100,000 to a total of \$600,000.		80
Department of Higher Education - Northwest State Community		81
College		82
Section 610.50		83
Amends H.B. 597 of the 134th General assembly to remove		84
capital appropriations totaling \$100,000 under Fund 7034 ALI		85
C38217, Napoleon Civic Center.		86

Sub. H.B. 33
L-135-0001-5
MHACD4

_____ moved to amend as follows:

In line 157 of the title, after "5119.34," insert "5119.35," 1

In line 741, after "5119.34," insert "5119.35," 2

After line 87328, insert: 3

"**Sec. 5119.35.** (A) Except as provided in division (B) of this 4
section, no person or government entity shall provide any of the 5
following alcohol and drug addiction services unless the services 6
have been certified under section 5119.36 of the Revised Code: 7

(1) Withdrawal management addiction services provided in a 9
setting other than an acute care hospital; 10

(2) Addiction services provided in a residential treatment 11
setting; 12

(3) Addiction services provided on an outpatient basis. 13

(B) Division (A) of this section does not apply to ~~either~~ any 14
of the following: 15

(1) An individual who holds a valid license, certificate, or 16
registration issued by this state authorizing the practice of a 17
health care profession that includes the performance of the 18

services described in divisions (A)(1) to (3) of this section, 19
 regardless of whether the services are performed as part of a sole 20
 proprietorship, partnership, or group practice; 21

(2) An individual who provides the services described in 22
 divisions (A)(1) to (3) of this section as part of an employment 23
 or contractual relationship with a hospital outpatient clinic that 24
 is accredited by an accreditation agency or organization approved 25
 by the director of mental health and addiction services; 26

(3) A federally qualified health center or federally 27
 qualified health center look-alike, as defined in section 3701.047 28
 of the Revised Code." 29

After line 87553, insert: 30

"(L) Nothing in this section shall be construed to require a 31
 federally qualified health center or federally qualified health 32
 center look-alike, as those terms are defined in section 3701.047 33
 of the Revised Code, to seek or obtain certification under this 34
 section." 35

In line 108879, after "5119.34," insert "5119.35," 36

The motion was _____ agreed to.

SYNOPSIS

Certification of mental health and drug addiction services 37

R.C. 5119.35 and 5119.36 38

Exempts federally qualified health centers and federally 39
 qualified health center look-alikes from OhioMHAS certification 40
 requirements for certain mental health and drug addiction 41

services.

42

_____ moved to amend as follows:

1 In line 208 of the title, after "175.20," insert "182.02,"

2 In line 778, after "175.20," insert "182.02,"

3 After line 20099, insert:

4 "Sec. 182.02. (A) "OneOhio recovery foundation" means the
5 nonprofit corporation receiving payments under the settlement
6 agreement in State of Ohio v. McKesson Corp., Case No.
7 CVH20180055 (C.P. Madison Co., settlement agreement of October
8 7, 2021) and its constituent regional boards.

9 (B) The OneOhio recovery foundation is not any of the
10 following:

11 (1) A state agency as defined in section 1.60, 9.28,
12 121.41, or 149.011 of the Revised Code;

13 (2) An executive agency as defined in section 121.60 of the
14 Revised Code;

15 (3) A public office as defined in section 9.28, 9.74,
16 102.01, 117.01, 149.011, or 1331.01 of the Revised Code;

17 (4) A state entity as defined in section 113.70 of the
18 Revised Code;

SC3413X1

19 (5) A public employer as defined in section 4117.01 of the
20 Revised Code;

21 (6) Departments, offices, and institutions as defined in
22 section 2921.01 of the Revised Code.

23 (C) An employee, officer, or appointed member of OneOhio
24 recovery foundation is not any of the following because of
25 employment with, office held, or appointment to the foundation:

26 (1) A public employee as defined in section 145.012 of the
27 Revised Code;

28 (2) An employee as defined in section 124.01 of the Revised
29 Code;

30 (3) A public official as defined in section 2921.01 of the
31 Revised Code.

32 (D) The offices, positions of trust, or persons employed
33 with OneOhio recovery foundation are not engaged in or included
34 in the definitions of "service of the state" or "civil service
35 of the state" as defined in section 124.01 of the Revised Code
36 because of holding the office, position, or employment with the
37 foundation.

38 (E) The OneOhio recovery foundation is not subject to
39 section 121.22 of the Revised Code.

40 (F) Meetings of the full OneOhio recovery foundation board
41 of directors shall be open to the public unless the board, by a

42 majority of a quorum of directors present, vote to hold an
43 executive session."

44 The motion was _____ agreed to.

45 SYNOPSIS

46 **OneOhio Recovery Foundation not a public office**

47 **R.C. 182.02**

48 Defines "OneOhio Recovery Foundation" to mean a nonprofit
49 corporation and its constituent regional boards receiving
50 payments under the settlement agreement in *State of Ohio v.*
51 *McKesson Corp.*, Case No. CVH20180055 (C.P. Madison Co.,
52 settlement agreement of October 7, 2021) and specifies it is not
53 a state agency, executive agency, public office, state entity,
54 public employer, or a department, office, or institution.

55 Exempts the OneOhio Recovery Foundation from the
56 requirements of other state agencies, executive agencies, public
57 offices, state entities, public employers, or departments,
58 offices, or institutions.

59 Provides that a meeting of the full board of OneOhio
60 Recovery Foundation must be open to the public unless its
61 directors vote to hold an executive session by a majority of the
62 quorum of the board.

Sub. H.B. 33
L-135-0001-5
TAXCD31, TAXCD32,
TAXCD35

_____ moved to amend as follows:

- In line 179 of the title, after "5725.05," insert "5725.98," 1
- In line 181 of the title, after "5727.91," insert "5729.98," 2
- In line 208 of the title, after "173.525," insert "175.16,
175.17," 3
4
- In line 233 of the title, after "5709.56," insert "5725.36,
5725.37, 5726.58, 5726.59,"; after "5728.16," insert "5729.19,
5729.20," 5
6
7
- In line 234 of the title, after "5747.67," insert "5747.83,
5747.84, 5747.85," 8
9
- In line 756, after "5725.05," insert "5725.98," 10
- In line 758, after "5727.91," insert "5729.98," 11
- In line 778, after "173.525," insert "175.16, 175.17," 12
- In line 796, after "5709.56," insert "5725.36, 5725.37,
5726.58, 5726.59,"; after "5728.16," insert "5729.19, 5729.20," 13
14
- In line 797, after "5747.67," insert "5747.83, 5747.84,
5747,85," 15
16
- In line 19941, reinsert "(E)" 17

In line 19943, after "~~Code~~" insert "Information provided to the tax commissioner under section 175.16 or 175.17 of the Revised Code, information provided under divisions (I)(1)(a) and (b) of section 175.16 of the Revised Code, and information provided under divisions (H)(1) and (2) of section 175.17 of the Revised Code are not public records for the purpose of section 149.43 of the Revised Code"; reinsert the period

After line 19991, insert:

"Sec. 175.16. (A) As used in this section:

(1) "Federal credit" means the tax credit authorized under section 42 of the Internal Revenue Code.

(2) "Credit period," "qualified low-income building," and "qualified basis" have the same meanings as in section 42 of the Internal Revenue Code.

(3) "Qualified project" means a qualified low-income building that is located in Ohio, is placed in service on or after July 1, 2023, and for which the director reserves a tax credit under division (B) of this section before July 1, 2027.

(4) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code.

(5) "Project owner" means a person holding a fee simple interest or a leasehold interest pursuant to a ground lease in the land on which a qualified project sits.

(6) "Reserved credit amount" means the amount determined by the director and stipulated in the notice sent to each owner of a qualified project under division (B) of this section.

(7) "Annual credit amount" means the amount computed by the director under division (D) of this section prior to issuing an

eligibility certificate.

46

(8) "Equity owner" means a direct or indirect owner of a project owner, provided the project owner is a pass-through entity, as determined under applicable state law governing such an entity.

47

48

49

50

(9) "Person" has the same meaning as in section 5701.01 of the Revised Code.

51

52

(10) "Eligibility certificate" means a certificate issued by the director to each owner of a qualified project under division (D) of this section stating the amount of credit that may be claimed for each year of the credit period.

53

54

55

56

(11) "Qualified allocation plan" means the plan developed by the governor's office of housing transformation, as required under section 175.06 of the Revised Code, for evaluating and selecting projects for the federal credit pursuant to the mandates and requirements within section 42 of the Internal Revenue Code.

57

58

59

60

61

(12) "Internal Revenue Code" has the same meaning as in section 5747.01 of the Revised Code.

62

63

(13) "Designated reporter" means the project owner or one of the project owner's equity owners designated pursuant to division (I)(1) of this section.

64

65

66

(14) "Director" means the director of the governor's office of housing transformation.

67

68

(B) Except as otherwise provided by this division, the director, upon allocating a federal credit and issuing a binding reservation or letter of eligibility, pursuant to the governor's office of housing transformation's qualified allocation plan, for a qualified low-income building that is located in this state and placed in service on or after July 1, 2023, may reserve a tax

69

70

71

72

73

74

credit under this section for the project owners so long as doing
so will not result in exceeding the annual credit cap prescribed
by division (C) of this section. The director shall not reserve a
tax credit under this section after June 30, 2027.

The director shall send written notice of the reservation to
each project owner. The notice shall state the aggregate credit
amount reserved for all years of the qualified project's credit
period and stipulate that receipt of the credit is contingent upon
issuance of an eligibility certificate and filing the information
described in division (I) of this section. Upon receipt of that
notice, the owner shall provide the identity of the owner's
designated reporter to the director.

The director shall determine the credit amount reserved for
each qualified project. The reserved credit amount shall not
exceed the amount necessary, when combined with the federal
credit, to ensure the financial feasibility of the qualified
project.

The director shall reserve credits in a manner that ensures
that a qualified project is creating additional housing units that
would not have otherwise been created with other state, federal,
or private financing. The director may assess application,
processing, and reporting fees to cover the cost of administering
the tax credit authorized under this section.

(C) The aggregate amount of credits reserved by the director
under division (B) of this section in a fiscal year shall not
exceed the sum of (1) one hundred million dollars, (2) the amount,
if any, by which the credit cap prescribed by this division for
the preceding fiscal year exceeds the credits reserved by the
director in that year, and (3) the amount of tax credits
recaptured or otherwise disallowed under division (G) of this

section in the preceding fiscal year.

105

For the purpose of computing and determining compliance with the credit cap prescribed by this division, the credit amount reserved for the project owners of a qualified project is the full amount for all years of the qualified project's credit period.

106

107

108

109

(D) Immediately after approving the final cost certification for a qualified project for which a tax credit under this section is reserved, or upon otherwise determining the qualified basis of the qualified project and the date it was placed into service as required by section 42(m) of the Internal Revenue Code, the director shall compute the annual credit amount and issue an eligibility certificate to each project owner. The director shall send copies of all eligibility certificates issued each calendar year to the tax commissioner and the superintendent of insurance.

110

111

112

113

114

115

116

117

118

The annual credit amount shall equal the lesser of the following:

119

120

(1) The amount of the federal credit that would be awarded to the project owners for the first year of the credit period if not for the adjustment required under section 42(f)(2) of the Internal Revenue Code;

121

122

123

124

(2) One-tenth of the reserved credit amount stated in the notice issued under division (B) of this section.

125

126

(E) Each eligibility certificate shall state the annual credit amount, the years that comprise the credit period, the name, address, and taxpayer identification number of each project owner, each owner's designated reporter, the date the certificate is issued, a unique identifying number, and any additional information prescribed by a rule adopted under division (H) of this section. A project owner, if the project owner is a

127

128

129

130

131

132

133

pass-through entity, shall provide a copy of the eligibility certificate and any information described in division (I) of this section to each equity owner that has been allocated a credit under division (F)(2) of this section, if requested. 134
135
136
137

(F)(1) For each year of a qualified project's credit period, the project owner or an equity owner may claim a nonrefundable credit against the tax imposed by section 5725.18, 5726.02, 5729.03, 5729.06, or 5747.02 of the Revised Code equal to all or a portion of the annual credit amount stated on the eligibility certificate. The credit shall be claimed in the manner prescribed by section 5725.36, 5726.58, 5729.19, or 5747.83 of the Revised Code, as applicable. 138
139
140
141
142
143
144
145

(2) If a project owner is a pass-through entity, the annual credit amount for any year of a qualified project's credit period may be allocated by the project owner among one or more equity owners and may be applied by those equity owners against more than one tax, but the total credits claimed in connection with that year of the qualified project's credit period by all project owners and equity owners against all taxes shall not exceed the annual credit amount stated on the eligibility certificate. 146
147
148
149
150
151
152
153

(3) A project owner or equity owner may claim the credit authorized by this section after the date the qualified project is placed into service but not before the director issues the project owner an eligibility certificate under division (D) of this section and the applicable report required by division (I) of this section is filed by the designated reporter. 154
155
156
157
158
159

(4) A project owner or equity owner that claims a tax credit under division (F)(1) of this section shall submit a copy of the eligibility certificate with the project owner's or equity owner's tax return or report. Upon request of the tax commissioner or the 160
161
162
163

superintendent of insurance, any project owner or equity owner
claiming a tax credit under this section shall provide the
commissioner or superintendent other documentation that may be
necessary to verify that the project owner or equity owner is
entitled to claim the credit.

164
165
166
167
168

(5) A project owner that is a pass-through entity may
allocate the credit authorized by this section to its equity
owners under division (F)(2) of this section in any manner agreed
to by such persons regardless of whether such equity owners are
eligible for an allocation of the federal credit, whether the
allocation of the credit under the terms of the agreement has
substantial economic effect within the meaning of section 704(b)
of the Internal Revenue Code, and whether any such person is
deemed a partner of the project owner or equity owner for federal
income tax purposes as long as the equity owner acquired its
ownership interest prior to claiming the credit. The allocation
shall be allowed without regard to any provision of the Internal
Revenue Code, or regulation promulgated pursuant to it, that may
be interpreted as contrary to the allocation, including, without
limitation, the treatment of the allocation as a disguised sale.

169
170
171
172
173
174
175
176
177
178
179
180
181
182
183

An equity owner may assign all or any part of its interest in
a qualified project, including its interest in the tax credits
authorized by this section, to one or more other equity owners,
and each assignee shall be able to claim the credit so long as its
interest is acquired prior to the filing of its tax return or
report or amended tax return or report claiming the credit and the
assignee's ownership interest is identified in the report required
by division (I) of this section.

184
185
186
187
188
189
190
191

(6) Nothing in this section or section 5725.36, 5726.58,
5729.19, or 5747.83 of the Revised Code allows the assignment or

192
193

transfer of any carryforward of the credit authorized under this 194
section once the annual credit amount is claimed. 195

(G) If any portion of the federal credit allocated to a 196
qualified project is recaptured under section 42(j) of the 197
Internal Revenue Code or is otherwise disallowed, the director 198
shall recapture a proportionate amount of the tax credit claimed 199
pursuant to this section in connection with the same qualified 200
project. 201

If the director determines to recapture such a tax credit, 202
the director shall certify the name of each project owner and the 203
amount to be recaptured to the tax commissioner and to the 204
superintendent of insurance. The commissioner or superintendent 205
shall determine the taxpayer or taxpayers that claimed the credit, 206
the tax against which the credit was claimed, and the amount to be 207
recaptured and make an assessment against the taxpayer or 208
taxpayers under Chapter 5725., 5726., 5729., or 5747. of the 209
Revised Code, as applicable, for the amount of the tax credit to 210
be recaptured. The time limitations on assessments under those 211
chapters do not bar an assessment made under this division. 212

(H) The director of development, in consultation with the tax 213
commissioner, superintendent of insurance, and the director of the 214
governor's office of housing transformation, shall adopt any rules 215
necessary to implement this section in accordance with Chapter 216
119. of the Revised Code. 217

(I)(1) For each calendar year, a designated reporter shall 218
provide the tax commissioner and the superintendent of insurance, 219
in the form prescribed by the tax commissioner in consultation 220
with the superintendent of insurance, all of the following: 221

(a) The name, address, and taxpayer identification number of 222
each project owner and equity owner that has been allocated a 223

<u>portion of the annual credit awarded on the eligibility</u>	224
<u>certificate for that year;</u>	225
<u>(b) The amount of the annual credit allocated to each such</u>	226
<u>project owner and equity owner for such year and the tax against</u>	227
<u>which the credit will be claimed;</u>	228
<u>(c) The total of the amounts listed for each project owner</u>	229
<u>and equity owner under division (I)(1)(b) of this section,</u>	230
<u>demonstrating that the total does not exceed the amount listed on</u>	231
<u>the eligibility certificate for that year.</u>	232
<u>(2) A designated reporter shall notify the tax commissioner</u>	233
<u>and the superintendent of insurance of any changes to the</u>	234
<u>information reported in division (I)(1) of this section in the</u>	235
<u>time and manner prescribed by the commissioner and superintendent.</u>	236
<u>(3) No credit allocated under this section may be claimed by</u>	237
<u>a project owner or equity owner for a year unless that owner and</u>	238
<u>the amount of the credit allocated to that owner appear on the</u>	239
<u>report required by division (I)(1) of this section for that year.</u>	240
<u>Sec. 175.17. (A) As used in this section:</u>	241
<u>(1) "Qualified project" means a project to develop</u>	242
<u>single-family dwellings in this state that satisfies any</u>	243
<u>qualifications established by the director under division (I) of</u>	244
<u>this section.</u>	245
<u>(2) "Pass-through entity" has the same meaning as in section</u>	246
<u>5733.04 of the Revised Code.</u>	247
<u>(3) "Reserved credit amount" means the amount determined by</u>	248
<u>the director and stipulated in the notice sent under division (B)</u>	249
<u>of this section.</u>	250
<u>(4) "Annual credit amount" means the amount computed by the</u>	251

- director under division (D) of this section before issuing an 252
eligibility certificate. 253
- (5) "Equity owner" means any person who directly or 254
indirectly, through one or more pass-through entities, is a 255
member, partner, or shareholder of a pass-through entity. 256
- (6) "Person" has the same meaning as in section 5701.01 of 257
the Revised Code. 258
- (7) "Eligibility certificate" means a certificate issued by 259
the director to a project development owner under division (D) of 260
this section. 261
- (8) "Project development owner" means a unit of government 262
that owns a qualified project. 263
- (9) "Affordability period" means the period that commences on 264
the date of sale of a single-family dwelling constructed as part 265
of a qualified project to the initial qualified buyer and 266
continues through subsequent qualified buyers for ten years. 267
- (10) "Designated reporter" means the project development 268
owner or one of the owner's direct or indirect partners, members, 269
or shareholders, as selected by the owner under division (B) of 270
this section. 271
- (11) "Project development investor" means any person that 272
contributes capital to a qualified project in exchange for an 273
allocation of a tax credit under this section. 274
- (12) "Credit period" means the ten-year period that begins in 275
the year the eligibility certificate is issued. 276
- (13) "Director" means the director of the governor's office 277
of housing transformation. 278
- (14) "Unit of government" means a county, township, municipal 279

corporation, regional planning commission, community improvement corporation, economic development corporation, or county land reutilization corporation organized under Chapter 1724. of the Revised Code, or port authority. 280
281
282
283

(15) "Project development team" means the group of entities that develops, constructs, reports, appraises, finances, and services the associated properties of a qualified project in partnership with the project development owner. 284
285
286
287

(B)(1) A project development owner may submit an application to the director for a credit reservation under this section on a form and in a manner that the director shall prescribe. On the application, the project development owner shall provide all of the following: 288
289
290
291
292

(a) The name and address of the project development owner's designated reporter; 293
294

(b) The names and addresses of all members of the project development team; 295
296

(c) An estimate of the qualified project's development costs; 297

(d) Any other information as the director may require pursuant to division (I) of this section. 298
299

The director shall competitively evaluate and approve applications and award tax credit reservations under this section for a qualified project in accordance with the plan adopted under division (I)(1) of this section. The director shall determine the credit amount reserved for each qualified project, which shall not exceed the difference between the total estimated development costs included with the application and the appraised market value of all homes in the finished project, as estimated by the director. The director shall not reserve a credit under this 300
301
302
303
304
305
306
307
308

section if doing so would exceed the annual limit prescribed by 309
division (B)(3) of this section. 310

(2) The director shall send written notice of the tax credit 311
reservation to the project development owner of an approved 312
qualified project. The notice shall state the aggregate credit 313
amount reserved for all years of the qualified project's credit 314
period and stipulate that receipt of the credit is contingent upon 315
issuance of an eligibility certificate and filing the information 316
required by division (H) of this section. 317

(3) The amount of credits reserved by the director under 318
division (B) of this section in a fiscal year shall not exceed the 319
sum of (a) fifty million dollars, (b) the amount, if any, by which 320
the credit allocation prescribed by this division for the 321
preceding fiscal year exceeds the credits reserved by the director 322
in that year, and (c) the amount of tax credits recaptured, 323
assessed, and collected by the tax commissioner or superintendent 324
of insurance, and disallowed or subject to reduction under this 325
section in the preceding fiscal year. For the purpose of computing 326
and determining compliance with the credit allocation prescribed 327
by division (B)(3) of this section, the credit amount reserved for 328
the project development owner is the full amount for all years of 329
the qualified project's credit period. 330

(4) The director shall not reserve a tax credit under this 331
section after June 30, 2027. 332

(C) The project development owner shall maintain ownership of 333
a qualified project and associated single-family dwellings until 334
the dwellings are sold to qualified buyers. The project 335
development team shall service the associated properties of a 336
qualified project for the duration of the applicable affordability 337
period. 338

The qualified buyer of a single-family home constructed as 339
part of a qualified project for which a tax credit was reserved 340
under this section shall occupy the home as the buyer's primary 341
residence during the affordability period. 342

(D) Upon completion of a qualified project for which a tax 343
credit was reserved under this section, the project development 344
owner shall notify the director and provide a final development 345
cost certification for approval. After receipt of this notice, the 346
director shall appraise the project's dwellings. Immediately after 347
approving the final cost certification, the director shall compute 348
the amount of the tax credit that may be claimed in each year and 349
issue an eligibility certificate to the project development owner. 350
That annual amount, which shall be stated on the certificate, 351
shall equal one-tenth of the reserved credit amount stated in the 352
notice issued under division (B) of this section, subject to any 353
reduction or increase as the result of the approval of the final 354
cost certification and the appraisal conducted under this 355
division. 356

(E) Each eligibility certificate shall state the annual 357
credit amount, the years that comprise the credit period, the 358
name, address, and the taxpayer identification number of the 359
project development owner, the project development owner's 360
designated reporter, and all members of the project development 361
team along with the date the certificate is issued, a unique 362
identifying number, and any additional information the director 363
may require by rule. The director shall certify a copy of each 364
eligibility certificate to the tax commissioner and the 365
superintendent of insurance. 366

(F)(1) For each year of a qualified project's credit period, 367
a project development owner may claim a nonrefundable credit 368

against the tax imposed by section 5725.18, 5726.02, 5729.03, 369
5729.06, or 5747.02 of the Revised Code equal to all or a portion 370
of the annual credit amount listed on the eligibility certificate. 371
The credit shall be claimed in the manner prescribed by section 372
5725.37, 5726.59, 5729.20, or 5747.84 of the Revised Code. 373

(2) A project development owner may or, if the owner is not 374
subject to any tax against which the credit authorized under this 375
section may be claimed, shall allocate all or a portion of the 376
annual credit amount for any year of a qualified project's credit 377
period among one or more project development investors. Such 378
allocated credits may be applied by those project development 379
investors or the equity owners of such an investor that is a 380
pass-through entity against more than one tax, as applicable, but 381
the total credits claimed for that year of the qualified project's 382
credit period by all project development investors and equity 383
owners shall not exceed the annual credit amount stated on the 384
eligibility certificate. 385

(3) A project development investor or the equity owner of 386
such an investor that is a pass-through entity may claim the 387
credit authorized by this section after the date the director 388
issues an eligibility certificate under division (D) of this 389
section and the applicable annual report required by division (H) 390
of this section is filed by the designated reporter. 391

(4) A project development investor or equity owner that 392
claims a tax credit under division (F)(2) of this section shall 393
submit a copy of the eligibility certificate with the investor's 394
or equity owner's tax return. Upon request of the tax commissioner 395
or the superintendent of insurance, any project development 396
investor or equity owner claiming a tax credit under that division 397
shall provide the tax commissioner or superintendent other 398

documentation that may be necessary to verify that the project 399
development investor or equity owner is entitled to claim the 400
credit. 401

(G) The director may disallow or recapture any portion of a 402
credit if the project development owner or the project development 403
owner's qualified project does not or ceases to qualify for the 404
credit. If the director determines to recapture such a tax credit, 405
the director shall certify the name of the project development 406
owner, and the amount to be recaptured to the tax commissioner and 407
to the superintendent of insurance. The tax commissioner or 408
superintendent shall determine the taxpayer or taxpayers that 409
claimed the credit, the tax against which the credit was claimed, 410
and the amount to be recaptured and make an assessment against the 411
taxpayer or taxpayers under Chapter 5725., 5726., 5729., or 5747. 412
of the Revised Code, as applicable, for the amount to be 413
recaptured. The time limitations on assessments under those 414
chapters do not bar an assessment made under this division. 415

(H) For each calendar year, a designated reporter shall 416
provide the following information to the director on a form 417
prescribed by the director in consultation with the tax 418
commissioner and the superintendent of insurance: 419

(1) A list of each project development investor or equity 420
owner that has been allocated a portion of the annual credit 421
awarded in an eligibility certificate for that year, including the 422
investor or owner's name, address, taxpayer identification number, 423
and the tax against which the credit will be claimed by each. 424

(2) For each project development investor or equity owner, 425
the amount of annual credit that has been allocated for that year. 426

(3) An aggregate list of the credit amount allocated for a 427
qualified project demonstrating that the aggregate annual amount 428

of the credits allocated does not exceed the aggregate annual 429
credit awarded in the eligibility certificate. 430

A designated reporter shall notify the director of any 431
changes to the information reported under division (H) of this 432
section in the time and manner prescribed by the director. 433

No credits allocated under this section may be claimed unless 434
the credits are listed on the report required by division (H) of 435
this section. 436

(I)(1) The director shall adopt a plan for competitively 437
awarding tax credits under this section. The plan shall establish 438
the criteria and metrics under which projects will be assessed for 439
qualification and may allocate tax credits in a pooled manner. 440

(2) The director may assess application, processing, and 441
reporting fees to cover the cost of administering this section. 442

(3) The director of development, in consultation with the tax 443
commissioner, the superintendent of insurance, and the director of 444
the governor's office of housing transformation, shall adopt any 445
rules necessary to implement this section in accordance with 446
Chapter 119. of the Revised Code. Such rules may include all of 447
the following: 448

(a) Supplementary definitions as may be necessary to 449
administer this section. 450

(b) Underwriting criteria to assess the risk associated with 451
any application and determine appropriate criteria to deny an 452
application based upon risk. 453

(c) Criteria by which a project development owner shall be 454
responsible for any or all risk associated with a qualified 455
project such as homeowner abandonment, default, foreclosure, or 456
other such risks. 457

(d) Criteria to maintain the affordability of each of a 458
qualified project's single-family dwellings during the 459
affordability period, which may include a deed restriction held by 460
the project development owner for some or all of the amount of the 461
tax credit or any appreciated value of the property. 462

(e) Requirements that the project development owner provide 463
certain capital assets or other investments that contribute to the 464
affordability of the project. 465

(f) Criteria to be used in determining whether an individual 466
is a qualified buyer. 467

(g) Criteria regarding the purchase, ownership, and sale of 468
completed qualified project single-family dwellings. 469

(h) The manner of determining the project's development costs 470
and the appraised market value of qualified project single-family 471
dwellings. 472

(i) Any other qualifications a project must meet to qualify 473
as a qualified project." 474

After line 98736, insert: 475

"Sec. 5725.36. (A) Terms used in this section have the same 476
meanings as in section 175.16 of the Revised Code. 477

(B) There is allowed a nonrefundable tax credit against the 478
tax imposed by section 5725.18 of the Revised Code for a domestic 479
insurance company that is allocated a credit issued by the 480
director of the governor's office of housing transformation under 481
section 175.16 of the Revised Code. The credit equals the amount 482
allocated to such company for the calendar year and reported by 483
the designated reporter on the form prescribed by division (I) of 484
section 175.16 of the Revised Code. 485

The credit authorized in this section shall be claimed in the order required under section 5725.98 of the Revised Code. If the amount of a credit exceeds the tax otherwise due under section 5725.18 of the Revised Code after deducting all other credits preceding the credit in the order prescribed in section 5725.98 of the Revised Code, the excess may be carried forward for not more than five ensuing calendar years. The amount of the excess credit claimed in any such year shall be deducted from the balance carried forward to the next calendar year.

No credit shall be claimed under this section to the extent the credit was claimed under section 5726.58, 5729.19, or 5747.83 of the Revised Code.

Sec. 5725.37. (A) Terms used in this section have the same meanings as in section 175.17 of the Revised Code.

(B) There is allowed a nonrefundable tax credit against the tax imposed by section 5725.18 of the Revised Code for a domestic insurance company that is allocated a credit issued by the director of the governor's office of housing transformation under section 175.17 of the Revised Code. The credit shall equal the amount allocated to such company for the calendar year and reported by the designated reporter on the form prescribed by division (H) of section 175.17 of the Revised Code.

The credit authorized in this section shall be claimed in the order required under section 5725.98 of the Revised Code. If the amount of a credit exceeds the tax otherwise due under section 5725.18 of the Revised Code after deducting all other credits preceding the credit in the order prescribed in section 5725.98 of the Revised Code, the excess may be carried forward for not more than five ensuing calendar years. The amount of the excess credit

<u>claimed in any such year shall be deducted from the balance</u>	515
<u>carried forward to the next calendar year.</u>	516
<u>No credit shall be claimed under this section to the extent</u>	517
<u>the credit was claimed under section 5726.59, 5729.20, or 5747.84</u>	518
<u>of the Revised Code.</u>	519
Sec. 5725.98. (A) To provide a uniform procedure for	520
calculating the amount of tax imposed by section 5725.18 of the	521
Revised Code that is due under this chapter, a taxpayer shall	522
claim any credits and offsets against tax liability to which it is	523
entitled in the following order:	524
The credit for an insurance company or insurance company	525
group under section 5729.031 of the Revised Code;	526
The credit for eligible employee training costs under section	527
5725.31 of the Revised Code;	528
The credit for purchasers of qualified low-income community	529
investments under section 5725.33 of the Revised Code;	530
The nonrefundable job retention credit under division (B) of	531
section 122.171 of the Revised Code;	532
The nonrefundable credit for investments in rural business	533
growth funds under section 122.152 of the Revised Code;	534
<u>The nonrefundable Ohio low-income housing tax credit under</u>	535
<u>section 5725.36 of the Revised Code;</u>	536
<u>The nonrefundable affordable single-family home credit under</u>	537
<u>section 5725.37 of the Revised Code;</u>	538
The nonrefundable credit for contributing capital to a	539
transformational mixed use development project under section	540
5725.35 of the Revised Code;	541

The offset of assessments by the Ohio life and health insurance guaranty association permitted by section 3956.20 of the Revised Code;

The refundable credit for rehabilitating a historic building under section 5725.34 of the Revised Code;

The refundable credit for Ohio job retention under former division (B)(2) or (3) of section 122.171 of the Revised Code as those divisions existed before September 29, 2015, the effective date of the amendment of this section by H.B. 64 of the 131st general assembly;

The refundable credit for Ohio job creation under section 5725.32 of the Revised Code;

The refundable credit under section 5725.19 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code.

(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year."

After line 99092, insert:

"Sec. 5726.58. (A) Terms used in this section have the same meanings as in section 175.16 of the Revised Code.

(B) A taxpayer may claim a nonrefundable tax credit against the tax imposed under section 5736.02 of the Revised Code for each

person included in the annual report of the taxpayer that is 570
allocated a credit issued by the director of the governor's office 571
of housing transformation under section 175.16 of the Revised 572
Code. The credit equals the amount allocated to such person for 573
the taxable year and reported by the designated reporter on the 574
form prescribed by division (I) of section 175.16 of the Revised 575
Code. 576

The credit authorized in this section shall be claimed in the 577
order required under section 5726.98 of the Revised Code. If the 578
amount of a credit exceeds the tax otherwise due under section 579
5726.02 of the Revised Code after deducting all other credits 580
preceding the credit in the order prescribed in section 5726.98 of 581
the Revised Code, the excess may be carried forward for not more 582
than five ensuing tax years. The amount of the excess credit 583
claimed in any such year shall be deducted from the balance 584
carried forward to the next tax year. 585

No credit shall be claimed under this section to the extent 586
the credit was claimed under section 5725.36, 5729.19, or 5747.83 587
of the Revised Code." 588

Sec. 5726.59. (A) Terms used in this section have the same 589
meanings as in section 175.17 of the Revised Code. 590

(B) A taxpayer may claim a nonrefundable tax credit against 591
the tax imposed under this chapter for each person included in the 592
annual report of the taxpayer that is allocated a credit issued by 593
the director of the governor's office of housing transformation 594
under section 175.17 of the Revised Code. The credit equals the 595
amount allocated to such person for the taxable year as provided 596
by the designated reporter on the form prescribed by division (H) 597
of section 175.17 of the Revised Code. 598

The credit authorized in this section shall be claimed in the order required under section 5726.98 of the Revised Code. If the amount of a credit exceeds the tax otherwise due under section 5726.02 of the Revised Code after deducting all other credits preceding the credit in the order prescribed in section 5726.98 of the Revised Code, the excess may be carried forward for not more than five ensuing tax years. The amount of the excess credit claimed in any such year shall be deducted from the balance carried forward to the next tax year.

No credit shall be claimed under this section to the extent the credit was claimed under section 5725.37, 5729.20, or 5747.84 of the Revised Code."

After line 99123, insert:

"The nonrefundable Ohio low-income housing tax credit under section 5726.58 of the Revised Code;

The nonrefundable affordable single-family home credit under section 5726.59 of the Revised Code;"

After line 99861, insert:

"Sec. 5729.19. (A) Terms used in this section have the same meanings as in section 175.16 of the Revised Code.

(B) There is allowed a nonrefundable tax credit against the tax imposed by section 5729.03 or 5729.06 of the Revised Code for a foreign insurance company that is allocated a credit issued by the director of the governor's office of housing transformation under section 175.16 of the Revised Code. The credit equals the amount allocated to such company for the calendar year and reported by the designated reporter on the form prescribed by division (I) of section 175.16 of the Revised Code.

The credit authorized in this section shall be claimed in the order required under section 5729.98 of the Revised Code. If the amount of a credit exceeds the tax otherwise due under section 5729.03 or 5729.06 of the Revised Code after deducting all other credits preceding the credit in the order prescribed in section 5725.98 of the Revised Code, the excess may be carried forward for not more than five ensuing calendar years. The amount of the excess credit claimed in any such year shall be deducted from the balance carried forward to the next calendar year.

No credit shall be claimed under this section to the extent the credit was claimed under section 5725.36, 5726.58, or 5747.83 of the Revised Code.

A foreign insurance company shall not be required to pay any additional tax levied under section 5729.06 of the Revised Code as a result of claiming the tax credit authorized by this section.

Sec. 5729.20. (A) Terms used in this section have the same meanings as in section 175.17 of the Revised Code.

(B) There is allowed a nonrefundable tax credit against the tax imposed by section 5729.03 or 5729.06 of the Revised Code for a foreign insurance company that is allocated a credit issued by the director of the governor's office of housing transformation under section 175.17 of the Revised Code. The credit equals the amount allocated to such company for the calendar year and reported by the designated reporter on the form prescribed by division (H) of section 175.17 of the Revised Code.

The credit authorized in this section shall be claimed in the order required under section 5729.98 of the Revised Code. If the amount of a credit exceeds the tax otherwise due under section 5729.03 or 5729.06 of the Revised Code after deducting all other

credits preceding the credit in the order prescribed in section 656
5725.98 of the Revised Code, the excess may be carried forward for 657
not more than five ensuing calendar years. The amount of the 658
excess credit claimed in any such year shall be deducted from the 659
balance carried forward to the next calendar year. 660

No credit shall be claimed under this section to the extent 661
the credit was claimed under section 5725.37, 5726.59, or 5747.84 662
of the Revised Code. 663

A foreign insurance company shall not be required to pay any 664
additional tax levied under section 5729.06 of the Revised Code as 665
a result of claiming the tax credit authorized under this section. 666

Sec. 5729.98. (A) To provide a uniform procedure for 667
calculating the amount of tax due under this chapter, a taxpayer 668
shall claim any credits and offsets against tax liability to which 669
it is entitled in the following order: 670

The credit for an insurance company or insurance company 671
group under section 5729.031 of the Revised Code; 672

The credit for eligible employee training costs under section 673
5729.07 of the Revised Code; 674

The credit for purchases of qualified low-income community 675
investments under section 5729.16 of the Revised Code; 676

The nonrefundable job retention credit under division (B) of 677
section 122.171 of the Revised Code; 678

The nonrefundable credit for investments in rural business 679
growth funds under section 122.152 of the Revised Code; 680

The nonrefundable Ohio low-income housing tax credit under 681
section 5729.19 of the Revised Code; 682

<u>The nonrefundable affordable single-family home credit under</u>	683
<u>section 5729.20 of the Revised Code;</u>	684
The nonrefundable credit for contributing capital to a	685
transformational mixed use development project under section	686
5729.18 of the Revised Code;	687
The offset of assessments by the Ohio life and health	688
insurance guaranty association against tax liability permitted by	689
section 3956.20 of the Revised Code;	690
The refundable credit for rehabilitating a historic building	691
under section 5729.17 of the Revised Code;	692
The refundable credit for Ohio job retention under former	693
division (B)(2) or (3) of section 122.171 of the Revised Code as	694
those divisions existed before September 29, 2015, the effective	695
date of the amendment of this section by H.B. 64 of the 131st	696
general assembly;	697
The refundable credit for Ohio job creation under section	698
5729.032 of the Revised Code;	699
The refundable credit under section 5729.08 of the Revised	700
Code for losses on loans made under the Ohio venture capital	701
program under sections 150.01 to 150.10 of the Revised Code.	702
(B) For any credit except the refundable credits enumerated	703
in this section, the amount of the credit for a taxable year shall	704
not exceed the tax due after allowing for any other credit that	705
precedes it in the order required under this section. Any excess	706
amount of a particular credit may be carried forward if authorized	707
under the section creating that credit. Nothing in this chapter	708
shall be construed to allow a taxpayer to claim, directly or	709
indirectly, a credit more than once for a taxable year."	710
After line 105637, insert:	711

"(41) Deduct amounts contributed to a homeownership savings account and calculated pursuant to divisions (B) and (C) of section 5747.85 of the Revised Code. 712
713
714

(42) If the taxpayer is the account owner, add the amount of funds withdrawn from a homeownership savings account not used for eligible expenses, regardless of who deposited those funds. As used in division (A)(42) of this section, "homeownership savings account," "account owner," and "eligible expenses" have the same meanings as in section 5747.85 of the Revised Code. 715
716
717
718
719
720

After line 107096, insert: 721

"Sec. 5747.83. (A) Terms used in this section have the same meanings as in section 175.16 of the Revised Code. 722
723

(B) There is hereby allowed a nonrefundable credit against a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code for a taxpayer that is allocated a credit issued by the director of the governor's office of housing transformation under section 175.16 of the Revised Code. The credit equals the amount allocated to such taxpayer for the taxable year that begins in the calendar year for which the designated reporter files the form prescribed by division (I) of section 175.16 of the Revised Code. 724
725
726
727
728
729
730
731
732

The credit shall be claimed in the order required under section 5747.98 of the Revised Code. If the credit exceeds the taxpayer's aggregate tax due under section 5747.02 of the Revised Code for that taxable year after allowing for credits that precede the credit under this section in that order, such excess shall be allowed as a credit in each of the ensuing five taxable years, but the amount of any excess credit allowed in any such taxable year shall be deducted from the balance carried forward to the ensuing 733
734
735
736
737
738
739
740

taxable year.

741

No credit shall be claimed under this section to the extent the credit was claimed under section 5725.36, 5726.58, or 5729.19 of the Revised Code.

742

743

744

Sec. 5747.84. (A) Terms used in this section have the same meanings as in section 175.17 of the Revised Code.

745

746

(B) There is allowed a nonrefundable credit against a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code for a taxpayer that is allocated a credit issued by the director of the governor's office of housing transformation under section 175.17 of the Revised Code. The credit equals the amount allocated to such taxpayer for the taxable year that begins in the calendar year for which the designated reporter files the form prescribed by division (H) of section 175.17 of the Revised Code that allocates the credit to the taxpayer.

747

748

749

750

751

752

753

754

755

The credit shall be claimed in the order required under section 5747.98 of the Revised Code. If the credit exceeds the taxpayer's aggregate tax due under section 5747.02 of the Revised Code for that taxable year after allowing for credits that precede the credit under this section in that order, such excess shall be allowed as a credit in each of the ensuing five taxable years, but the amount of any excess credit allowed in any such taxable year shall be deducted from the balance carried forward to the ensuing taxable year.

756

757

758

759

760

761

762

763

764

No credit shall be claimed under this section to the extent the credit was claimed under section 5725.37, 5726.59, or 5729.20 of the Revised Code.

765

766

767

Sec. 5747.85. (A) As used in this section:

768

- (1) "Homeownership savings account" has the same meaning as 769
in section 135.70 of the Revised Code. 770
- (2) "Account owner" means "eligible participant" as defined 771
by section 135.70 of the Revised Code. 772
- (3) "Contributor" means the account owner or a parent, 773
spouse, sibling, stepparent, or grandparent of the account owner 774
who deposits funds into the homeownership savings account. 775
- (4) "Lifetime contribution limit" means twenty-five thousand 776
dollars of contributions per contributor per homeownership savings 777
account. 778
- (5) "Eligible expenses" means unreimbursed expenses paid by 779
the account owner for home purchase costs for the account owner's 780
primary residence and account fees imposed on the account owner. 781
- (6) "Primary residence" means a home located in this state 782
that is or will be the account owner's principal place of 783
residence at the time the eligible expenses are incurred and for 784
which the account owner receives or will receive a reduction in 785
real property taxes under division (B) of section 323.152 of the 786
Revised Code. 787
- (7) "Home purchase costs" means "closing costs" as defined in 788
section 135.70 of the Revised Code. 789
- (8) "Employer contribution" means the amount an employer 790
contributes to a homeownership savings account. 791
- (B) In computing Ohio adjusted gross income, a deduction from 792
federal adjusted gross income is allowed to a contributor for 793
amounts contributed to a homeownership savings account to the 794
extent that the amounts contributed have not already been deducted 795
in computing the contributor's federal or Ohio adjusted gross 796
income for the taxable year. The deduction shall equal the amount 797

of contributions made by the taxpayer and, if filing a joint 798
return, the taxpayer's spouse, except that the deduction shall not 799
exceed, for any taxable year, ten thousand dollars for spouses 800
filing a joint return or five thousand dollars for all other 801
taxpayers for each homeownership savings account to which 802
contributions are made. If a taxpayer files a joint return, the 803
deduction amount attributable to contributions made by each spouse 804
shall not exceed five thousand dollars for each homeownership 805
savings account to which contributions are made. A contributor is 806
not entitled to a deduction under this section to the extent the 807
deduction causes the contributor to exceed the lifetime 808
contribution limit. 809

(C) In computing Ohio adjusted gross income, a deduction from 810
federal adjusted gross income is allowed to an account owner for 811
the following items: 812

(1) Interest earned on a homeownership savings account to the 813
extent the interest has not been otherwise deducted or excluded in 814
computing an account owner's federal or Ohio adjusted gross 815
income. 816

(2) Employer contributions made by an employer to an account 817
owner's homeownership savings account to the extent the employer 818
contributions have not been otherwise deducted or excluded in 819
computing an account owner's federal or Ohio adjusted gross 820
income. 821

(D) The tax commissioner may request that a taxpayer claiming 822
a deduction calculated under division (B) or (C) of this section 823
furnish information necessary to support the claim for the 824
deduction under this section, and no deduction shall be allowed 825
unless the requested information is provided. 826

(E) The commissioner may adopt rules necessary to administer 827

this section. 828

After line 107154, insert: 829

"The nonrefundable Ohio low-income housing tax credit under section 5747.83 of the Revised Code; 830

The nonrefundable affordable single-family home credit under section 5747.84 of the Revised Code;" 831

In line 108894, after "5725.05," insert "5725.98," 832

In line 108896, after "5727.91," insert "5729.98," 833

After line 235957, insert: 834

"**Section 803.220.** The enactment by this act of divisions (A)(41) and (42) of section 5747.01 and section 5747.85 of the Revised Code applies to taxable years beginning on or after January 1, 2024." 835

After line 236143, insert: 836

"Section 5725.98 of the Revised Code as amended by both H.B. 197 and S.B. 39 of the 133rd General Assembly. 837

Section 5729.98 of the Revised Code as amended by both H.B. 197 and S.B. 39 of the 133rd General Assembly." 838

The motion was _____ agreed to. 839

SYNOPSIS

Low-income housing tax credit 846

R.C. 175.16, 175.12, 5725.36, 5725.98, 5726.58, 5726.98, 5729.19, 5729.98, 5747.83, and 5747.98 847

Reinstates a provision included in the Introduced bill, 848

modified by the House, but removed in the Senate substitute bill, 850
 that authorizes a nonrefundable state tax credit, awarded by the 851
 Governor's Office of Housing Transformation, that piggybacks on 852
 the federal low-income housing tax credit (LIHTC) for affordable 853
 housing projects. The amendment reinstates the Executive version 854
 without the House's modifications. 855

Tax-favored home purchasing savings account 856

R.C. 5747.01(A)(41) and (42) and 5747.85; Section 803.220 857

Reinstates a provision added by the House but removed in the 858
 Senate substitute bill that allows an income tax deduction for 859
 contributions to a homeownership savings account. 860

Single-family housing development tax credit 861

R.C. 175.17, 175.12, 5725.37, 5725.98, 5726.59, 5726.98, 862
5729.20, 5729.98, 5747.84, and 5747.98 863

Reinstates a provision in the introduced bill, but removed by 864
 the House, authorizing a nonrefundable tax credit against the 865
 insurance premiums, financial institution, or income taxes for 866
 investment in the development and construction of affordable 867
 single-family housing. That credit does all of the following: 868

--Requires local governments and economic development 869
 entities to submit applications for the credit, but allows them to 870
 allocate credits to project investors. 871

--Allows the Director of the Governor's Office of Housing 872
 Transformation to reserve a state tax credit for any project in 873
 Ohio that may qualify for the credit, as long as the project is 874
 located in Ohio and meets affordability qualifications adopted by 875
 the Office. 876

--Prohibits the Director from reserving any credits after 877

June 30, 2027.	878
--Generally limits the amount of state credits that may be reserved in a fiscal year to \$50 million, but allows unreserved credit allocations and recaptured or disallowed credits to be added to the credit cap for the next fiscal year.	879 880 881 882
--Limits the amount of credit reserved for any single project to the amount by which the fair market value of the project's homes exceed the project's development costs.	883 884 885

_____ moved to amend as follows:

1 In line 228466, delete "\$96,539,000 \$96,539,000" and
2 insert "\$102,539,000 \$102,539,000"

3 In line 228467, delete the first "\$21,000,000" and insert
4 "\$30,000,000"

5 In line 228474, add \$15,000,000 to fiscal year 2024 and
6 \$6,000,000 to fiscal year 2025

7 Delete line 228477

8 In line 228491, subtract \$20,000,000 in fiscal year 2024

9 In line 228509, subtract \$5,000,000 in fiscal year 2024 and
10 add \$6,000,000 to fiscal year 2025

11 Delete lines 229001 through 229004

12 In line 233856, delete "\$30,000,000" and insert
13 "\$10,000,000"

14 The motion was _____ agreed to.

15

SYNOPSIS

16

Department of Mental Health and Addiction Services

17

Sections 337.10, 337.125, and 513.10

18

Increases GRF ALI 336421, Continuum of Care Services, by

19 \$6,000,000 in each fiscal year.

20

Increases GRF ALI 336422, Criminal Justice Services, by

21 \$9,000,000 in FY 2024.

22

Eliminates an appropriation of \$20,000,000 in FY 2024 in

23 Fund 4750 ALI 336662, Step-Down Facilities. Eliminates language

24 earmarking these funds to construct transitional step-down

25 facilities for court involved patients in OhioMHAS's regional

26 psychiatric hospitals.

27

Reduces an FY 2023 GRF ending balance transfer to the

28 Statewide Treatment and Prevention Fund (Fund 4750) by

29 \$20,000,000 (from \$30,000,000 to \$10,000,000).

_____ moved to amend as follows:

1 In line 106256a, delete "\$46,100" and insert "\$92,150"

2 In line 106257, strike through "More than"; delete
3 "\$46,100"; strike through "but not"; delete "\$912.07"; strike
4 through "plus"; delete "3.0%"

5 In line 106257a, strike through "more than"; delete
6 "\$92,150"; strike through "of the amount in excess of"

7 In line 106257b, delete "\$46,100"

8 In line 106258, delete "\$2,293.57" and insert "\$2,178.44"

9 In line 106259, delete "\$3,147.34" and insert "\$3,032.21"

10 The motion was _____ agreed to.

11 SYNOPSIS

12 **Income tax rate reduction**

13 **R.C. 5747.02**

14 Accelerates the Senate substitute bill's income tax
15 reduction for the 2023 taxable year by entirely eliminating the
16 second tax bracket. The substitute bill retains all four
17 existing brackets, but lowers the rates of the first, second,
18 and fourth brackets.

SC3425X1

19 Retains the substitute bill's rate reductions for the first
20 and last bracket for the 2023 taxable year, and the bill's
21 additional bracket consolidation and rate reductions for the
22 2024 taxable year.

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 88 of the title, after "3505.31," insert "3505.32,
3513.22," 1
2

In line 690, after "3505.31," insert "3505.32, 3513.22," 3

After line 50925, insert: 4

"**Sec. 3505.32.** (A) Except as otherwise provided in division 5
(D) of this section, not earlier than the ~~eleventh~~ fifth day or 6
later than the fifteenth day after a general or special election, 7
the board of elections shall begin to canvass the election returns 8
from the precincts in which electors were entitled to vote at that 9
election. It shall continue the canvass daily until it is 10
completed and the results of the voting in that election in each 11
of the precincts are determined. 12

The board shall complete the canvass not later than the 13
twenty-first day after the day of the election. Eighty-one days 14
after the day of the election, the canvass of election returns 15
shall be deemed final, and no amendments to the canvass may be 16
made after that date. The secretary of state may specify an 17
earlier date upon which the canvass of election returns shall be 18
deemed final, and after which amendments to the final canvass may 19
not be made, if so required by federal law. 20

(B) The county executive committee of each political party, 21
each committee designated in a petition nominating an independent 22
or nonpartisan candidate for election at an election, each 23
committee designated in a petition to represent the petitioners 24
pursuant to which a question or issue was submitted at an 25
election, and any committee opposing a question or issue submitted 26
at an election that was permitted by section 3505.21 of the 27
Revised Code to have a qualified elector serve as an observer 28
during the counting of the ballots at each polling place at an 29
election may designate a qualified elector who may be present and 30
may observe the making of the official canvass. 31

(C) The board shall first open all envelopes containing 32
uncounted ballots and shall count and tally them. 33

In connection with its investigation of any apparent or 34
suspected error or defect in the election returns from a polling 35
place, the board may cause subpoenas to be issued and served 36
requiring the attendance before it of the election officials of 37
that polling place, and it may examine them under oath regarding 38
the manner in which the votes were cast and counted in that 39
polling place, or the manner in which the returns were prepared 40
and certified, or as to any other matters bearing upon the voting 41
and the counting of the votes in that polling place at that 42
election. 43

Finally, the board shall open the sealed container containing 44
the ballots that were counted in the polling place at the election 45
and count those ballots, during the official canvass, in the 46
presence of all of the members of the board and any other persons 47
who are entitled to witness the official canvass. 48

(D) Prior to the tenth day after a primary, general, or 49
special election, the board may examine the pollbooks, poll lists, 50

and tally sheets received from each polling place for its files 51
and may compare the results of the voting in any polling place 52
with the summary statement received from the polling place. If the 53
board finds that any of these records or any portion of them is 54
missing, or that they are incomplete, not properly certified, or 55
ambiguous, or that the results of the voting in the polling place 56
as shown on the summary statement from the polling place are 57
different from the results of the voting in the polling place as 58
shown by the pollbook, poll list, or tally sheet from the polling 59
place, or that there is any other defect in the records, the board 60
may make whatever changes to the pollbook, poll list, or tally 61
sheet it determines to be proper in order to correct the errors or 62
defects. 63

Sec. 3513.22. (A) Not earlier than the ~~eleventh~~ fifth day or 64
 later than the fifteenth day after a primary election, the board 65
 of elections shall begin to canvass the election returns from the 66
 precincts in which electors were entitled to vote at that election 67
 and shall continue the canvass daily until it is completed. 68

The board shall complete the canvass not later than the 69
 twenty-first day after the day of the election. Eighty-one days 70
 after the day of the election, the canvass of election returns 71
 shall be deemed final, and no amendments to the canvass may be 72
 made after that date. The secretary of state may specify an 73
 earlier date upon which the canvass of election returns shall be 74
 deemed final, and after which amendments to the final canvass may 75
 not be made, if so required by federal law. 76

(B) The county executive committee of each political party 77
 that participated in the election, and each committee designated 78
 in a petition to represent the petitioners pursuant to which a 79
 question or issue was submitted at the election, may designate a 80
 qualified elector who may be present at and may observe the making 81
 of the canvass. Each person for whom votes were cast in the 82
 election may also be present at and observe the making of the 83
 canvass. 84

(C) When the canvass of the election returns from all of the 85
 precincts in the county in which electors were entitled to vote at 86
 the election has been completed, the board shall determine and 87
 declare the results of the elections determined by the electors of 88
 the county or of a district or subdivision within the county. If 89
 more than the number of persons to be nominated for or elected to 90
 an office received the largest and an equal number of votes, the 91
 tie shall be resolved by lot by the chairperson of the board in 92
 the presence of a majority of the members of the board. The 93

94
95
96
97
98
declaration shall be in writing and shall be signed by at least a
majority of the members of the board. It shall bear the date of
the day upon which it is made, and a copy of it shall be posted by
the board in a conspicuous place in its office. The board shall
keep the copy posted for a period of at least five days.

99
100
101
102
103
104
105
106
107
108
109
110
111
112
The board shall promptly certify abstracts of the results of
the elections within its county upon forms the secretary of state
prescribes. One certified copy of each abstract shall be kept in
the office of the board, and one certified copy of each abstract
shall promptly be sent to the secretary of state. The board shall
also promptly send a certified copy of that part of an abstract
that pertains to an election in which only electors of a district
comprised of more than one county but less than all of the
counties of the state voted to the board of the most populous
county in the district. It shall also promptly send a certified
copy of that part of an abstract that pertains to an election in
which only electors of a subdivision located partly within the
county voted to the board of the county in which the major portion
of the population of the subdivision is located.

113
114
115
116
117
118
If, after certifying and sending abstracts and parts of
abstracts, a board finds that any abstract or part of any abstract
is incorrect, it shall promptly prepare, certify, and send a
corrected abstract or part of an abstract to take the place of
each incorrect abstract or part of an abstract previously
certified and sent.

119
120
121
122
123
(D)(1) When certified copies of abstracts are received by the
secretary of state, the secretary of state shall canvass those
abstracts and determine and declare the results of all elections
in which electors throughout the entire state voted. If more than
the number of persons to be nominated for or elected to an office

received the largest and an equal number of votes, the tie shall
be resolved by lot by the secretary of state in the presence of
the governor, the auditor of state, and the attorney general, who
at the request of the secretary of state shall assemble to witness
the drawing of the lot. The declaration of results by the
secretary of state shall be in writing and shall be signed by the
secretary of state. It shall bear the date of the day upon which
it is made, and a copy of it shall be posted by the secretary of
state in a conspicuous place in the secretary of state's office.
The secretary of state shall keep the copy posted for a period of
at least five days.

(2) When certified copies of parts of abstracts are received
by the board of the most populous county in a district from the
boards of all of the counties in the district, the board receiving
those abstracts shall canvass them and determine and declare the
results of the elections in which only electors of the district
voted. If more than the number of persons to be nominated for or
elected to an office received the largest and equal number of
votes, the tie shall be resolved by lot by the chairperson of the
board in the presence of a majority of the members of the board.
The declaration of results by the board shall be in writing and
shall be signed by at least a majority of the members of the
board. It shall bear the date of the day upon which it is made,
and a copy of it shall be posted by the board in a conspicuous
place in its office. The board shall keep the copy posted for a
period of at least five days.

(3) When certified copies of parts of abstracts are received
by the board of a county in which the major portion of the
population of a subdivision located in more than one county is
located from the boards of each county in which other portions of
that subdivision are located, the board receiving those abstracts

shall canvass them and determine and declare the results of the
elections in which only electors of that subdivision voted. If
more than the number of persons to be nominated for or elected to
an office received the largest and an equal number of votes, the
tie shall be resolved by lot by the chairperson of the board in
the presence of a majority of the members of the board. The
declaration of results by the board shall be in writing and shall
be signed by at least a majority of the members of the board. It
shall bear the date of the day upon which it is made, and a copy
of it shall be posted by the board in a conspicuous place in its
office. The board shall keep the copy posted for a period of at
least five days.

(E) Election officials, who are required to declare the
results of primary elections, shall issue to each person declared
nominated for or elected to an office, an appropriate certificate
of nomination or election, provided that the boards required to
determine and declare the results of the elections for candidates
for nomination to the office of representative to congress from a
congressional district shall, in lieu of issuing a certificate of
nomination, certify to the secretary of state the names of the
candidates nominated, and the secretary of state, upon receipt of
that certification, shall issue a certificate of nomination to
each person whose name is so certified. Certificates of nomination
or election issued by boards to candidates and certifications to
the secretary of state shall not be issued before the expiration
of the time within which applications for recounts of votes may be
filed or before recounts of votes, which have been applied for,
are completed."

In line 108829, after "3505.31," insert "3505.32, 3513.22,"

The motion was _____ agreed to.

SYNOPSIS

Canvass of election returns	184
R.C. 3505.32 and 3513.22	185
Allows the boards to begin the canvass of the election	186
returns (the final, official count of the ballots) on the fifth	187
day after Election Day, instead of the eleventh day.	188
Retains existing law that requires the boards to wait to	189
begin processing uncured provisional ballots until the eighth day	190
after Election Day.	191

Sub. H.B. 33
L-135-0001-5

_____ moved to amend as follows:

In line 65 of the title, after "3313.612," insert "3313.618,
3313.619," 1
2

In line 673, after "3313.612," insert "3313.618, 3313.619," 3

After line 39212, insert: 4

"**Sec. 3313.618.** (A) In addition to the curriculum 5
requirements specified by the board of education of a school 6
district or governing authority of a chartered nonpublic school, 7
each student entering ninth grade for the first time on or after 8
July 1, 2014, but prior to July 1, 2019, shall satisfy at least 9
one of the following conditions or the conditions prescribed under 10
division (B) of this section in order to qualify for a high school 11
diploma: 12

(1) Be remediation-free, in accordance with standards adopted 13
under division (F) of section 3345.061 of the Revised Code, on 14
each of the nationally standardized assessments in English, 15
mathematics, and reading; 16

(2) Attain a score specified under division (B)(5)(c) of 17
section 3301.0712 of the Revised Code on the end-of-course 18
examinations prescribed under division (B) of section 3301.0712 of 19
the Revised Code. 20

(3) Attain a score that demonstrates workforce readiness and employability on a nationally recognized job skills assessment selected by the state board of education under division (G) of section 3301.0712 of the Revised Code and obtain either an industry-recognized credential or a license issued by a state agency or board for practice in a vocation that requires an examination for issuance of that license.

For the purposes of this division, the industry-recognized credentials and licenses shall be as approved under section 3313.6113 of the Revised Code.

A student may choose to qualify for a high school diploma by satisfying any of the separate requirements prescribed by divisions (A)(1) to (3) of this section. If the student's school district or school does not administer the examination prescribed by one of those divisions that the student chooses to take to satisfy the requirements of this section, the school district or school may require that student to arrange for the applicable scores to be sent directly to the district or school by the company or organization that administers the examination.

(B) In addition to the curriculum requirements specified by the district board or school governing authority, each student entering ninth grade for the first time on or after July 1, 2019, shall satisfy the following conditions in order to qualify for a high school diploma:

(1) Attain a competency score as determined under division (B)(10) of section 3301.0712 of the Revised Code on each of the Algebra I and English language arts II end-of-course examinations prescribed under division (B)(2) of section 3301.0712 of the Revised Code.

School districts and chartered nonpublic schools shall offer

remedial support to any student who fails to attain a competency
score on one or both of the Algebra I and English language arts II
end-of-course examinations. 51
52
53

Following the first administration of the exam, if a student
fails to attain a competency score on one or both of the Algebra I
and English language arts II end-of-course examinations that
student must retake the respective examination at least once. 54
55
56
57

If a student fails to attain a competency score on a retake
examination, the student may demonstrate competency in the failed
subject area through one of the following options: 58
59
60

(a) Earn course credit taken through the college credit plus
program established under Chapter 3365. of the Revised Code in the
failed subject area; 61
62
63

(b) Complete two of the following options, one of which must
be foundational: 64
65

(i) Foundational options to demonstrate competency, which
include earning a cumulative score of proficient or higher on
three or more state technical assessments aligned with section
3313.903 of the Revised Code in a single career pathway, obtaining
an industry-recognized credential, or group of credentials,
approved under section 3313.6113 of the Revised Code that is at
least equal to the total number of points established under that
section to qualify for a high school diploma, obtaining a license
approved under section 3313.6113 of the Revised Code that is
issued by a state agency or board for practice in a vocation that
requires an examination for issuance of that license, completing a
pre-apprenticeship aligned with options established under section
3313.904 of the Revised Code in the student's chosen career field,
completing an apprenticeship registered with the apprenticeship
council established under section 4139.02 of the Revised Code in 66
67
68
69
70
71
72
73
74
75
76
77
78
79
80

the student's chosen career field, or providing evidence of
acceptance into an apprenticeship program after high school that
is restricted to participants eighteen years of age or older;

(ii) Supporting options to demonstrate competency, which
include completing two hundred fifty hours of a work-based
learning experience with evidence of positive evaluations,
obtaining an OhioMeansJobs-readiness seal under section 3313.6112
of the Revised Code, or attaining a workforce readiness score, as
determined by the department of education and workforce, on the
nationally recognized job skills assessment selected by the state
board under division (G) of section 3301.0712 of the Revised Code.

(c) Provide evidence that the student has enlisted in a
branch of the armed services of the United States as defined in
section 5910.01 of the Revised Code.

(d) Be remediation-free, in accordance with standards adopted
under division (F) of section 3345.061 of the Revised Code, in the
failed subject area on a nationally standardized assessment
prescribed under division (B)(1) of section 3301.0712 of the
Revised Code. For English language arts II, a student must be
remediation-free in the subjects of English and reading on the
nationally standardized assessment.

Subject to division (L)(2) of section 3313.61 of the Revised
Code, for any students receiving special education and related
services under Chapter 3323. of the Revised Code, the
individualized education program developed for the student under
that chapter shall specify the manner in which the student will
participate in the assessments administered under this division or
an alternate assessment in accordance with division (C)(1) of
section 3301.0711 of the Revised Code.

(2) Earn at least two of the state diploma seals prescribed

under division (A) of section 3313.6114 of the Revised Code, at least one of which shall be any of the following:

(a) The state seal of biliteracy established under section 3313.6111 of the Revised Code;

(b) The OhioMeansJobs-readiness seal established under section 3313.6112 of the Revised Code;

(c) One of the state diploma seals established under divisions (C)(1) to (7) of section 3313.6114 of the Revised Code.

(3) Provide evidence of having completed and submitted the free application for federal student aid, unless either of the following apply:

(a) The student's parent or guardian, or the student if the student is at least eighteen years of age, has indicated, in a manner prescribed by the department, to the district or school that the student will not complete and submit the free application for federal student aid.

(b) The district or school has made a record, in a manner prescribed by the department, describing circumstances that exist which make it impossible or impracticable for the student to complete the free application for federal student aid.

(C)(1) A student who transfers into an Ohio public or chartered nonpublic high school from another state or enrolls in such a high school after receiving home instruction or attending a nonchartered, nontax-supported school in the previous school year shall meet the requirements of division (B) or (D) of this section, as applicable, in order to qualify for a high school diploma. However, any student subject to division (B) of this section who transfers or enrolls after the start of the student's twelfth grade year and fails to attain a competency score on the

Algebra I or English language arts II end-of-course examination 140
 shall not be required to retake the applicable examination prior 141
 to demonstrating competency in the failed subject area under the 142
 options prescribed in divisions (B)(1)(a) to (d) of this section. 143

(2) The department shall prescribe standards that allow a 144
 transfer student who, prior to the student's transfer, took an 145
 assessment described in division (B)(1) or (2) of section 146
 3301.0712 or section 3313.619 of the Revised Code to apply the 147
 score from that assessment towards graduation requirements at the 148
 student's new public or chartered nonpublic school. 149

(D) Notwithstanding division (B) of this section, in addition 150
 to the curriculum requirements specified by the school governing 151
 authority, a chartered nonpublic school student subject to 152
 division (L)(3)(a)(ii) of section 3301.0711 of the Revised Code 153
 entering ninth grade for the first time on or after July 1, 2019, 154
 shall qualify for a high school diploma if the student earns a 155
 remediation-free score in the areas of English, mathematics, and 156
 reading, in accordance with standards adopted under division (F) 157
 of section 3345.061 of the Revised Code, on a nationally 158
 standardized assessment prescribed under division (B)(1) of 159
 section 3301.0712 of the Revised Code. No such student shall be 160
 required to take the Algebra I or English language arts II 161
 end-of-course examination or earn diploma seals under this 162
 section. 163

A student to whom division (D) of this section applies is 164
subject to division (B)(3) of this section. 165

(E) The state board of education shall not create or require 166
 any additional assessment for the granting of any type of high 167
 school diploma other than as prescribed by this section. Except as 168
 provided in sections 3313.6111, 3313.6112, and 3313.6114 of the 169

Revised Code, the state board or the superintendent of public 170
 instruction shall not create any endorsement or designation that 171
 may be affiliated with a high school diploma. 172

Sec. 3313.619. (A) In lieu of the assessment requirements 173
 prescribed by division (A) of section 3313.618 of the Revised Code 174
 or the requirements to demonstrate competency and earn diploma 175
 seals prescribed by division (B) of that section, a chartered 176
 nonpublic school may grant a high school diploma to a student who 177
 attains at least the designated score on an assessment approved by 178
 the department of education and workforce under division (B) of 179
 this section and selected by the school's governing authority. 180
Nothing in this section waives the requirement for a student to 181
complete the free application for federal student aid as required 182
under division (B)(3) of section 3313.618 of the Revised Code, 183
except as provided for in that division. 184

(B) For purposes of division (A) of this section, the 185
 department shall approve assessments that meet the conditions 186
 specified under division (C) of this section and shall designate 187
 passing scores for each of those assessments. 188

(C) Each assessment approved under division (B) of this 189
 section shall be nationally norm-referenced, have internal 190
 consistency reliability coefficients of at least "0.8," be 191
 standardized, have specific evidence of content, concurrent, or 192
 criterion validity, have evidence of norming studies in the 193
 previous ten years, have a measure of student achievement in core 194
 academic areas, and have high validity evidenced by the alignment 195
 of the assessment with nationally recognized content. 196

(D) Nothing in this section shall prohibit a chartered 197
 nonpublic school from granting a high school diploma to a student 198

if the student satisfies the applicable requirements prescribed by section 3313.618 of the Revised Code." 199
 200

In line 108811, after "3313.612," insert "3313.618, 3313.619," 201
 202

The motion was _____ agreed to.

SYNOPSIS

FAFSA requirement to qualify for high school diploma 203

R.C. 3313.618 and 3313.619 204

Reinstates provisions of the As Introduced version of the bill that require public and chartered nonpublic school students to complete the Free Application for Federal Student Aid (FAFSA) to qualify for a high school diploma, unless either: 205
 206
 207
 208

(1) The student's parent or guardian, or the student if the student is at least 18 years old, has submitted a written letter to the student's district or school stating that the student will not complete and submit the FAFSA; or 209
 210
 211
 212

(2) The district or school makes a record describing circumstances that make it impossible or impracticable for the student to complete the FAFSA. 213
 214
 215